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THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

11° VICTORIÆ, 1847-1848.

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THE SEVENTH DAY OF APRIL

TO

THE TWENTY-SIXTH DAY OF MAY, 1848.

Fourth Volume of the Session.

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1848.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FIRST SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 18 NOVEMBER, 1847, IN THE ELEVENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, April 7, 1848.

MINUTES.] *Took the Oaths.*—The Earl of Leven and Melville.

PUBLIC BILLS.—1ª Assignment of Ecclesiastical Districts.—Leases of Mines (Ireland).

2ª Bail for Manslaughter.—Unnecessary Actions Prevention.

Reported.—Property Tax.

3ª and passed;—Stamp Duties Assimilation.

PETITIONS PRESENTED.—From the County of Fife, for Inquiring into the Condition of the Road Trusts in Scotland.—From the Members of the Scotch Church, Paisley, for the Better Observance of the Sabbath.—From Newcastle-upon-Tyne, and Durham, for the Enactment of Sanitary Measures.—From Lisknaskee, and several other Places, against the National System of Education.—From Barnstaple, and other Places, for the Imposition of the Severest Penalties on all Roman Catholic Priests who shall Denounce Persons from the Altar.—From Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for the Extension of the Provisions of the Benefit Societies Act to that Order.—From Westmeath, for Alteration in the Law relating to Poor Rates.—From the Physicians and Surgeons of the Dungarvon Union, for Relief of certain Grievances.—From Hadleigh, for Suppression of Seduction and Prostitution.

BAIL FOR MANSLAUGHTER BILL.

LORD DENMAN moved the Second Reading of the Bail for Manslaughter Bill. He concurred in the suggestion of a noble Earl opposite, that the powers conferred by the Bill should be given, not to coroners, but to justices of the peace. An amendment of the law such as that now proposed was required, for at present, while rich men might suffer but slightly when accused, poor men might be committed and kept in prison for a period which was in itself a punishment.

After a few remarks from the Earl of ELLENBOROUGH,

Bill read 2ª.

House adjourned.

HOUSE OF COMMONS,

Friday, April 7, 1848.

MINUTES.] NEW MEMBER SWORN.—For Devonport, John Romilly, Esq.

PUBLIC BILLS.—1° Crown and Government Security.

2° Landlord and Tenant (Ireland); Public Works Completion.

Reported.—Marine Mutiny; Mutiny.

PETITIONS PRESENTED. From Catholic Clergymen and Catholic Inhabitants of Aughanagh (Sligo), in favour of the Jewish Disabilities Bill.—By Mr. Broadley, from Rudby (York), complaining of the Conduct of the Roman Catholic Clergy (Ireland).—By Mr. John O'Connell, from Merthyr Tydvil, Glamorganshire, in favour of the Roman Catholic Relief Bill.—By Lord Ernest Bruce, from Marlborough, and its Vicinity; and from Solicitors practising in Woodstock, for a Repeal of the Duty on

Attorneys' Certificates.—By Mr. Pusey, from the Royal Berks Hospital, Reading, for Exemption of Charitable Bequests from the Legacy Duties.—By Mr. Traill, from Justices of the Peace, of the County of Caithness, for Alteration of the Banking Law.—By Mr. Cripps, from several Lodges of the Independent Order of Odd Fellows, for an Extension of the Benefit Societies Act.—By Mr. Traill, from Distillers of the County of Caithness, respecting the Bonding of British Spirits.—By Mr. Cowan, from Arbroath (Forfar), and by other Hon. Members, from several Places, against the Diplomatic Relations with the Court of Rome Bill.—By Mr. Octavius Duncombe, from the York Diocesan Board of Education, for Alteration of the Law as regards Education.—By Mr. George Hamilton, from Loughrea (Meath), and from several other Places, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Mr. Scholefield, from Birmingham, for a Free Pardon for Frost, Williams, and Jones.—From the Parish of Kilfieragh (Clare), for Alteration of the Law of Landlord and Tenant (Ireland).—By Mr. Duncan, from Dundee, for Repeal of the Navigation Laws.—By Mr. Traill, from Caithness, for Ameliorating the Condition of Parochial Schools (Scotland).—By Mr. Devereux, from Galway, for Alteration of the Poor Law (Ireland).—By Sir E. Birch, from Liverpool, against, and by Sir R. Price, from the same Place, for Alteration of, the Public Health Bill.

PIKES—POLICE AGENTS (DUBLIN).

Mr. J. O'CONNELL said, that seeing the right hon. Gentleman the Chief Secretary for Ireland in his place, he was anxious to put a question to him, of which he had given him notice. He would confine himself for the present to the simple point—whether the notice of the Government had been drawn to the strange facts that had gone forth within the last few days, that a man named Kirwan had been taken up in Dublin who had ordered six pikes to be made, having been desired to do so by Colonel Browne, one of the commissioners of police in that city; and that Colonel Browne had come forward at the police-office, and had declared that it was by his orders Kirwan had so acted? It appeared that Colonel Browne had acknowledged that it was exceedingly dirty work, and it also appeared that this person so employed had attended one of the meetings that had been denounced in that House, and had uttered cries there of the most seditious character, with a view of thereby inciting the people to sedition; and that on being asked what he wanted with the pikes, he replied that he wanted to use them in the coming times. It also appeared, that documents had been found in his possession referring to the plot which he was engaged in getting up. From the dangers into which innocent citizens had been plunged by such characters on former occasions, great excitement now prevailed in Dublin on this subject; and he wished therefore to know from the right hon. Baronet whether the attention of the Government had been called to this matter; and he trusted, that as soon as the Government had time to consider the subject, the right hon. Baronet would allow him to ask what course the Government meant to pursue, and whether they intended to retain that officer in his present situation?

Sir W. SOMERVILLE almost wished that his hon. Friend had postponed his question until some future time, for he could state that no official account had reached him of the transaction alluded to, and that he knew nothing of it beyond the accounts which had appeared in the public papers. He should say, that these accounts appeared to him to be extremely contradictory; and, if his hon. Friend permitted him, he would rather not commit himself to any answer founded upon them. This he should say, that a more meritorious officer than Colonel Browne could not be found in any portion of Her Majesty's service, either civil or military. He knew nothing of the speech attributed to Colonel Browne at the police-office.

THE CHARTIST PETITION.

Mr. HENRY DRUMMOND: Seeing the hon. Member for Nottingham in his place, I beg to ask him what is the course meant to be pursued with regard to the presentation of the petition on Monday next, of which he has given notice? I have seen in the public papers that it has been a question agitated at a meeting at which that hon. Gentleman was present, what should be done in case of this House refusing to receive the petition then presented. I have read the petition myself, and I believe there is not one human being in this House that would say "No!" to the reception of it. There is no doubt that the petition will be received as a matter of course, and—

Mr. SPEAKER: The hon. Gentleman must confine his observations to such as will make the question intelligible; he must not enter into discussion upon it.

Mr. HENRY DRUMMOND: I wish to ask in what way the hon. Member means to bring the different subject-matters in that petition under the consideration of the House? I am exceedingly anxious to have them fully discussed here; but there can be no discussions upon the presentation of a petition; and I am not aware how he intends to bring them on.

Mr. F. O'CONNOR: In reply to the hon. Gentleman, I beg to say that on Monday week last I gave notice that I would move a resolution founded upon the principles in this petition, as an Amendment upon the Order of the Day for going into Committee of Supply on Monday next. I now find there is no supply for that night; therefore, unless the noble Lord at the head of the Government will be kind enough to allow me to bring it forward the first question on Monday, I cannot give the hon. Gentleman any answer as to the time when I shall be able to do so. The noble Lord is aware that the petition is one of great importance to some millions of the people; and I ask this from him as a privilege, upon the undertaking that I at least shall not detain the House long upon it. If the hon. Member had not put the question to me, I should myself have asked the noble Lord for permission to bring the measure forward—a measure upon which, as a matter of course, there is great excitement both in and out of this House. If the noble Lord does not grant the indulgence I ask for, then I must look for another open night; but on Monday I shall present the petition.

Lord J. RUSSELL: I should be very unwilling, Sir, that a petition so numerously signed as the hon. Gentleman has declared the petition he has to present will be, should not be received, and meet with every consideration from the House. I do not, however, think it would be right, because certain business is fixed for that day, and there are other matters to come on to which I will not allude, that the Government should give up Monday to the consideration of the petition. But, considering the importance of a petition presented by such numbers of the people, and that a petition so signed ought to have early consideration, I shall be ready, having at the same time regard to public convenience, to consent that the hon. Gentleman shall bring on his Motion on Friday next.

Mr. F. O'CONNOR: I am most thankful to the noble Lord.

BELGIUM.

Mr. URQUHART asked the noble Lord if Her Majesty's Government had entered into a guarantee of the Crown of Belgium, or in any way had compromised themselves in engagements to maintain, in consequence of recent events on the Continent, the existing state of things?

Viscount PALMERSTON: Her Majesty's Government have entered into no new engagements whatever with regard to Belgium, or any other portion of the Continent. The House is in possession of the Treaties of 1831 and 1839, which contain certain engagements and guarantees upon the part of the Five Powers—France, Austria, Russia, Prussia, and Britain, with regard to Belgium.

THE INTENDED CHARTIST DEMONSTRATION.

Mr. BRIGHT: I wish to put a question to the Government with regard to the notice that has been published, touching the meeting proposed to be held on Monday. I wish to know whether it is intended to refer to both the meeting and the procession, or only to the procession. I ask this question because very intelligent persons, to my certain knowledge, have differed in opinion, and even the newspapers do not agree in the interpretation they have put upon it. I am very much afraid that difficulty may arise if there is any misunderstanding on this point. If the people may meet quietly it is one thing: if they are permitted, or not permitted, to come through the streets in immense numbers, it is a very different thing. I think, then, there should be no misunderstanding; for if there be, there might probably be risk of collision and disturbance, which every Member of this House would be anxious to avoid.

Sir G. GREY: The Government endeavoured in the notice which was publicly issued yesterday to state what was the common law of this country, and what was the statute law with respect to assemblages, for whatever purpose convened, when those assemblages were attended by circumstances calculated to strike terror and alarm in the minds of Her Majesty's loyal and peaceable subjects; and the Government also pointed out in the notice what was the particular statute applicable to the case of tumultuous assemblages gathered upon pretence of preparing or presenting petitions to either House of Parliament, and accompanied with excessive numbers of people. The hon. Gentleman asks whether the meeting convened to assemble on Kennington Common is separate and independent from the proposed procession, which is illegal. That would entirely depend upon the circumstances under which the meeting was held. Any meeting that may be held, be the purpose of it whatsoever it may, which is accompanied with the circumstances to which I have just alluded—circumstances calculated to inspire just terror and alarm into the minds of Her Majesty's loyal and peaceable subjects—would, I apprehend, be against the common law of England. If, on the other hand, a meeting be held for the purpose of forming or organising a procession, and that procession is contrary to the statute law, being for the purpose of presenting a petition to either House of Parliament, accompanied by excessive numbers of people, then I apprehend that that meeting would be identified with and form part of the procession, and therefore come within the provisions of the law applicable to such a procession. These questions, however, with respect to the legality or illegality of meetings, must depend upon the circumstances of each particular case; and I cannot undertake to answer whether a certain meeting convened to be held in a particular place for a particular object, may or may not be illegal without consideration of the special circumstances attending it. While I am answering this question, I will take the opportunity of reading to the House what I think it is desirable should be generally known. It is the dictum of Lord Mansfield, one of the most eminent Judges that ever graced the bench, upon the law applicable to these cases. It was delivered on the trial of Lord George Gordon, in 1781. Lord Mansfield, in summing up, says—

> "A doubt has faintly been thrown out from the bar whether it is lawful to attend a petition to the House of Commons with more than ten persons. Upon dear-bought experience of the consequences of tumultuous assemblies, under pretence of carrying and supporting petitions, an Act of Parliament passed in the reign of King Charles II., forbidding, under a penalty, more than ten persons to attend a petition to the King or either House of Parliament; but it is said, that law is repealed by the Bill of Rights. I speak the joint opinion of us all, that the Act of Charles II. is in full force; there is not the colour of a doubt. The Bill of Rights does not mean to meddle with it at all; it asserts the right of the subject to petition the King, and that there ought to be no commitment for such petitioning; which alluded to the case of the bishops in King James's reign, who petitioned the King, and were committed for it. But neither the Bill of Rights nor any other statute repeals this Act of Charles II.; and Mr. Justice Blackstone, in his *Commentaries*, treats of this Act as in full force, and, as I have told you, we are all of that opinion; and consequently the attending a petition to the House of Commons by more than ten persons is criminal and illegal."

I would also refer hon. Members desirous of reading the constitutional law in these cases to the twelfth volume of the *State Trials*, containing the trial of the seven bishops in 1688, in which they will find the subject discussed between two Judges, Mr. Justice Allybone and Mr. Justice Powell, the first a high prerogative lawyer, but the second a man who was dismissed from his office, having given offence by too liberal opinions as to the right of the people to petition. Mr. Justice Powell, nevertheless, draws a marked distinction between petitioning merely, and petitioning accompanied with tumultuous assemblies—the one being the undoubted right of the people, but the other illegal. That opinion has, I believe, been held by every constitutional lawyer; and I hope it will not go forth to the world that the intention of Her Majesty's Government in these proceedings has been to interrupt in the slightest degree the just right of any portion of the people of this country to petition this House.

In answer to Lord R. GROSVENOR,

SIR G. GREY said: All I know of the meeting on Kennington Common is stated in the notice already published throughout England, namely, that the meeting is convened. I take the fact from the public announcement of such convention published by the Chartist Association, and signed by three gentlemen, one of them calling himself "secretary," and in which it is stated —and the fact is not disavowed by the hon. Gentleman himself, who, I understand, is a leader of the association—that he is to marshal the people there assembled, to the number, it is said in some quarters, of 300,000, though I express no opinion upon that, in order that a grand demonstration of physical force may accompany the petition to the door of this House. [Mr. O'CONNOR: Has the right hon. Gentleman received a deputation from the parties concerned in getting up this meeting?] I was engaged in public business at the time I received an intimation that three gentlemen, who stated themselves to be a deputation from the National Convention, were at the Home Office, and wished to make a communication to me. They saw the Under Secretary, in the presence of the Attorney General and Mr. Hall, the chief magistrate. I was not present; but they addressed a letter to me, which, if it will be any satisfaction to the hon. Gentleman, I will read. The hon. Gentleman was not one of those who attended at the Home Office, and I have no reason to know whether or not he participates in the sentiments of this letter. The right hon. Baronet read the letter, which was to the effect that the undersigned delegates appointed by the National Convention begged to inform the Home Secretary that they had never avowed, but, on the contrary, they repudiated, the idea of an armed assemblage, and assured him they entirely discountenanced any attempt to create disorder, or to break the public peace. They assured him that the procession for the purpose of presenting the petition to the House of Commons would take place, but that, should any disturbance occur, it would not be promoted or encouraged on their parts.

Sir R. H. INGLIS: Sir, I wish to ask the question of the right hon. Baronet whether he, as Secretary of State for the Home Department, has acknowledged a National Convention sitting in London? I ask this question very respectfully, both towards this House and my right hon. Friend. I wish to know if the Secretary of State for the Home Department has recognised the existence of a National Convention sitting in London, by condescending to receive a letter from persons representing that body?

Sir G. GREY: I can have no hesitation in saying that the three gentlemen who attended at the Home Office were not recognised as delegates of any National Convention. The Under Secretary distinctly stated to them that he could not receive them in the capacity of national representatives, but only as persons coming from a meeting held in a certain house, and in that character only.

Mr. WAKLEY: The meeting on Kennington Common has been publicly advertised during the last month, and it was publicly stated that 500,000 persons would probably attend the procession. [*Laughter.*] Gentlemen may laugh, but there are 500,000 persons and more in this country who do not consider themselves represented here. During the last month this meeting has been advertised, and it has been publicly stated that 500,000 people would probably be on Kennington Common, and come thence in procession to this House. Now, if these facts were known to the Government, and if it was known to them also that the meeting and procession were illegal, why were the people not informed of it before?

Sir G. GREY: Because I had not the information which the hon. Member, better informed than the Secretary of State, possessed. I certainly knew that which it was my duty to know, from information which it was my duty to obtain, namely, that at meetings held in certain parts of this metropolis speeches were made to small numbers of persons, in which such an intention was vaguely announced, and in which it was stated that in the course of the next week—about the 10th or 11th of April—there would be a great public demonstration to attend a petition that was to be presented to this House. But the first public advertisement of this intention was that now lying before me, which I received the day before yesterday; upon which the Cabinet directly deliberated, and upon that deliberation the notice was immediately published.

Mr. WAKLEY: As the right hon. Gentleman has given something more than an answer to my question, and as the cheers which he has elicited—

Mr. SPEAKER: If the hon. Member for Finsbury is going to put another question to the right hon. Gentleman, he is quite in order; but he cannot debate any subject, there being now properly no question before the House.

Mr. WAKLEY: Then, Sir, I move that this House do now adjourn; and now, I think, we have a question before us. The right hon. Baronet, in the first part of his reply to my question, intimated that I had a better knowledge on this subject than he possessed. Now, I beg to state positively that I have attended no meeting whatever in relation to the petition which is to be presented on Monday to this House; that I have not attended the public assembly regarding it; and that I have had no direct communication from the persons calling themselves "The National Convention" with respect to that petition. I derived my information solely from a public newspaper, that public newspaper being the property of an hon. Member of this House. I derived my information from no other source whatever; and I do therefore think that the people have been somewhat unjustly treated in being allured into the supposition—["Oh, oh!"]—I say in being allured into the supposition that they could safely assemble in large numbers, and that they could legally present their petition to this House in large numbers, throughout so long a period as that which has elapsed since the announcement in the public journal to which I have alluded. The proprietor of that journal is an hon. and learned Member of this House; he is a member of the legal profession; and surely the people had a right to consider that he was well acquainted with the law on the subject. I do say, then, that I think the Government have acted, to say the least, with negligence, on such a question, in not having given the people an earlier intimation that they would be acting illegally in assembling on Kennington Common in large numbers, and in attending in a large procession on the presentation of a petition to the House of Commons. I regret exceedingly the turn which events have taken, because it is my belief that this prohibition is likely to be followed by a great public calamity.

Mr. F. O'CONNOR, in seconding the Motion, said: As this subject has been mooted, I beg leave to state distinctly that I have not attended any public meeting in London in connexion with the getting up of this demonstration, though I have, I admit, been present as a delegate at that Convention which is now sitting. We have been told to look back to precedent in this matter; and let us, therefore, see if some indulgence was not allowed to the people when the right hon. Baronet the Member for Tamworth was in office. In 1843 a large procession was marshalled and paraded through London; that procession was announced in precisely the same language as has been used in the document referred to by the right hon. Baronet; and as a Judge of the land, the present Chief Baron said, such language is not to be misconstrued by a judge or jury as approving or advocating physical rather than moral force, inasmuch as it is language which any party is at liberty to use. I last night pointed out that on a former occasion a procession of 150,000 men walked with a petition for reform to the Home Office; in 1833 I saw a procession consisting of 100,000 men bring up a petition in favour of the Dorchester labourers to this House. The right hon. Gentleman will not forget that a large procession of sailors passed close to the House not long since, and when, too, the House was sitting, on their way to Downing-street; and, as the people have never before been prevented from making demonstrations of this kind, I do say that it is now taking them rather by surprise to declare that they must not look to the common custom hitherto as a guarantee of their right to meet and walk in procession as they contemplated. It never was intended to bring the petition to the doors of the House of Commons. The right hon. Gentleman has given me credit for possessing some influence with these parties; and certainly I had that much influence to prevent them bringing the petition in procession to the House, though the other petition to which I have referred, which was while the right hon. Baronet the Member for Tamworth was in office, was brought to the House and presented by the hon. Member for Finsbury in that way. The people are entitled now, when a Liberal Government is in office, to exercise the same privilege; but, at the same time, I solemnly declare that, if it had been known early to these persons (many of whom are not now to be prevented in their purpose) that it was the intention of the Government to interfere, they would never have decided upon the procession. These millions of men are only petitioning for the rights which were promised to them by the Gentlemen who are now sitting on the Treasury bench. These Gentlemen told them, among other things, that taxation without representation was tyranny; and it is hard indeed now, that the schoolmasters should contradict the instruction which they themselves gave to their pupils. I, for my part, will not shrink from any responsibility that may now be imposed upon me. I should be sorry, having been a party to a proposition, to attempt, like a coward, to shrink from the consequences. My intention is to attend this meeting. My intention is to come, in the procession, not to the House of Commons, but over Westminster-bridge, with that petition; and it is my determination to use all my power, as heretofore I have done, to prevent the slightest infraction of the peace. I will add, that if I thought there was any view of endangering the peace, I would not present that petition. I have never been a party to palm any delusion on this House. I have acted in this cause, and shall continue so to act; but I have not lived on the cause, and I have never pandered to any bad or foolish prejudices. I learned my lessons from the noble Lord (Lord J. Russell), and the right hon. Baronet the Member for Harwich (Sir J. Hobhouse); and I would now appeal to them if they should be the men, at the eleventh hour, to oppose the project of these hundreds of thousands of people, who in my conscience I believe to have no more notion of disturbing the peace than I have. I repeat, they have no more notion of disturbing the peace than I have; and I declare that I have no notion of disturbing the peace. I have borne my share of persecution, which I have endured very calmly, and I will never shrink from the responsibility I have incurred. I have received a letter informing me of the danger to my own person; and the worthy and hon. alderman (Alderman Thompson) has told me that I would certainly be shot if I appeared on Monday. I have no such apprehension; but, if I had, I consider that when a man has brought others into a position where there is danger, he is bound to take himself the lion's share of it. I will only say, in conclusion, that I agree with the hon. Member for Finsbury that the Government have been guilty of great negligence in this matter; for, though they may have had no official information, they must have been sufficiently aware of the intentions of the people; and I beg the noble Lord and the right hon. Gentleman to be satisfied that the parties who are getting up this demonstration are not getting it up with any view to endanger the peace of the country, or to violate the law of the land.

Sir J. GRAHAM: The hon. Gentleman who has just sat down has said, and said truly, that the House attaches great value to precedents; and I think that the precedent which is now in question is of great importance. I understood the hon. Gentleman to say, that in the year 1843, when my right hon. Friend below me was at the head of the Government, and when I had the honour of filling the situation which my right hon. Friend now fills, the hon. Member for Finsbury, who at that time presented a petition most numerously signed on behalf of the Chartists, presented that petition in a manner identical with the plan proposed for the petition from the meeting at Kennington Common on Monday next, when, according to the proclamation referred to by my right hon. Friend, a procession is to take place which the hon. Member for Nottingham (Mr. F. O'Connor) observes is identical with that which took place in 1843. Now, I speak with confidence, certainly, but still only from recollection, there are two points of distinctive difference in what occurred in 1843, and what is intended to take place on Monday next. In the first place, that petition did not emanate from a meeting convened by notice, in the immediate neighbourhood of the metropolis, under circumstances such as those which my right hon. Friend has notified he has reason to believe will attend the meeting called for on Monday at Kennington. That petition, in 1843, was brought from a private house; it did not come from a public open meeting. [Mr. O'Connor: It came from Lincoln's-inn Fields. The procession was marshalled there.] I speak from recollection, and I do not think that that petition was adopted in Lincoln's-inn Fields. I think it had been previously prepared. Again, there is another great distinction. I do not think there was given out, at the time, any intention to come to this House in procession from any place where that meeting was to have been held. Certainly I do remember that a considerable number of persons did come with the petition, and, I believe, to the doors of the House. No previous notice, however, had been given of that circumstance; and, if my recollection do not deceive me, nothing like what is purposed on Monday next took place on that occasion. And assuredly I now consider I should have failed in my duty, being responsible then, as my right hon. Friend now is, for the peace of the metropolis, if I and the Government of which I was a Member had been consenting parties to such a meeting as that announced for Monday next on Kennington Common. Such a procession as that contemplated has been pronounced illegal, and I am glad that it will not be countenanced by the authorities.

Mr. HORSMAN: I think the House would be acting an unjust and an ungenerous part towards Her Majesty's Government, to allow it to go forth, on the authority of the hon. Gentleman opposite, that they are now imposing upon the subject's privilege of meeting and petitioning restrictions greater than those imposed by previous Governments. It is not a question of meeting in great numbers only: we must remember all the circumstances; and it is impossible to forget the fact alluded to by the right hon. Gentleman the Secretary for the Home Department, that, whether well founded or not, the announcement of this intended procession has, in the minds of many people, created very considerable apprehension. If we look merely to the eager discussion now going on in this House, and to the questions put and the anxiety with which the answers have been listened to, we can understand the interest out of doors; and, whatever we may ourselves think, we are bound to have consideration for the fears of the right-minded and peaceful men of the country. The hon. Member for Nottingham has offered to guarantee the peace of the metropolis, As far as he is concerned, I will do him justice, and admit that all I have seen of him in this House has prepossessed me in his favour. At the same time it is not to be denied that neither he nor any other man can undertake to answer for the conduct of 50,000 men marching through the streets. I think he would endeavour to preserve the peace, and I deem these fears ill-founded, because I am satisfied that among the mass there is a conviction that they enjoy a greater degree of rational liberty than is accorded to any other people in Europe; but I do not consider that I am a free agent at such a moment. Her Majesty's Government are under great responsibility. We must sympathise with them; and it would be unmanly and ungenerous if we did not now unanimously support them. I discard my own feelings altogether. I am ready, for one, to place full reliance in them, and to incur with them the responsibility of any measures, however unpopular, which they suppose indispensable for the security of peace and order. I do not see, after what has happened, why the procession should be persevered in, and I sincerely hope that the idea will be given up.

Mr. Alderman THOMPSON: Every Member of this House will concur in the observations which have just been made. The hon. Member for Nottingham has stated that he has received a notification from some individual that if he attended the procession on Monday, fatal consequences would ensue. I beg to say that I am not the individual who furnished that information. I was surprised to hear from the hon. Member (Mr. O'Connor), that he had taken no part in any meeting for getting up the procession on Monday next. I was surprised, also, at his declaration that he entertained no apprehension of any breach of the public peace on that occasion. I will put the question to the hon. Member—Did he attend a meeting last Monday night at Cartwright's Coffee-house, Cripplegate, in the city of London? [Mr. O'Connor: I went from this House to a tea-party in a room there, and there were only 40 people present.] I am quite aware that that meeting was not popularly attended; but it was not the less important on that account, and I wanted to ascertain from the hon. Member if the report was true that he was there? The meeting was unquestionably composed of those who are supposed to be the leading Chartists; and I will venture to say that the language made use of by the hon. Member for Nottingham on that occasion was anything but calculated to allay alarm and promote peace and good order. I have obtained a report of the speech of the hon. Member for Nottingham, taken as a deposition from a person of veracity present, by one of the most respectable professional men in London. The individuals who attended called themselves "The Irish Confederate and Democratic Society." Mr. O'Connor said that—

> "He had just come from the House of Commons, where he had left them discussing the Jew Relief Bill; that it was a base Parliament; that it was of no use petitioning and praying any longer; that they must do as the Americans did—shake off the yoke; that it was better to die on the scaffold than to perish from starvation; that the people of Ireland would not be satisfied with a repeal of the Union—they must have an independent republic; that moral force was sufficient to put down physical force; that he hoped the meeting would remember the 10th of April; that it would be a glorious day; that he was for fair play to the Catholic priesthood, inasmuch as they were much better able than the Protestants to assist them (the Democratic Society); that they ought at once to do away with all titles, as the French had done; and that they must put down Royalty, for it was too great an expense to the country."

I felt it my duty (continued Alderman Thompson) to place the report of this address of the hon. Member for Nottingham in the hands of the right hon. Baronet the Secretary for the Home Department; and I considered it right, after the statement of the hon. Member himself here, to lay it before the House.

Mr. F. O'CONNOR begged to be allowed to declare, of which he would give the hon. Gentleman the most ample proof, that he had never mentioned the topics to which he was reported to have adverted at the meeting in question. He had always confessed himself an anti-republican; he had published article after article against the republican form of government; and, as even the report read admitted, he had advocated moral force in preference to physical force. He was not for repeal of the Union, but for separation; and he begged to declare most solemnly that he had never said a word about the abolition of titles, or about the destruction of Royalty. He would prove this by the evidence of men who had been present.

Mr. HUME said, they had known that at many meetings on former occasions speeches had been misrepresented; he should hope, therefore, that the hon. Alderman would produce a shorthand writer's notes of what had taken place, and not accuse a Member of that House on loose information. He could not conceal from himself that the daily newspapers had reported speeches made in different parts of the country, which, if they were correctly reported, contained passages which no friend to peace could support or justify. But he did not give credit to such representations. This was a matter of the utmost importance to the hon. Member for Nottingham, and there ought to be a Select Committee of that House who would afford him an opportunity to call the persons referred to by the hon. Alderman before them. There might be spies abroad, as in former times, poisoning the minds of Her Majesty's Ministers. He had in former times himself seized a person of this kind in a room, and brought him to the office of Lord Sidmouth, but Lord Sidmouth dismissed him. That was the third spy he had been accessory to seizing. This was in former times; he did not believe Her Majesty's Ministers resorted to these means, or he would soon change sides in that House. He, therefore, protested against proceeding in this way; and he asked the Government if they were — as the hon. Alderman said — in possession of affidavits, that they would proceed immediately to appoint a Committee in order to prevent any further misunderstanding in this matter.

Sir De L. EVANS was bound, on the part of the constituency he represented, to rise and state the peculiar circumstances in which they stood with regard to the meditated procession. He had associated with many processions, and had presented many popular petitions; but with regard to this, there was a peculiarity which he defied any Gentleman to say did not exist; it was this — there had been already two meetings recently of a similar kind: one at Trafalgar Square, apparently of a contemptible character contrasted with that of which notice had been given; and the other in the same locality where the proposed meeting was to assemble; and, notwithstanding their trifling character, it was his duty to inform the House, on the part of his constituents, that those meetings had occasioned very great alarm and terror. He had been in various parts of the city he represented, and he could assure the House that there was a feeling there of extreme alarm and terror; and not only that, but that parties had declared to him that they had suffered materially in their trade and business for ome days before and after those two occasions. This alarm and terror now existed to an extent which he had never known before; and he considered it to be his bounden duty to entreat Her Majesty's Government to protect, at least, his constituents against losses which they were at this moment very ill able to bear. As to the course pursued by his hon. Friend the Member for Montrose, all he should say was, that he did not understand it. He entirely concurred in what had fallen from the hon. Member for Cockermouth (Mr. Horsman); and he did think, looking at the present condition both of foreign and domestic affairs, that every man — every honest man, and especially every one belonging to the Liberal party — was bound to declare to which side his efforts and exertions should be given, and his should be given in support of Her Majesty's Ministers.

Lord J. RUSSELL: Sir, I shall not allude to anything that may have fallen from the hon. Member for Nottingham out of this House, but I shall address myself solely to matters which he has referred to in the House. The hon. Member has said that it was not intended that the procession to which allusion had been made should come to the House of Commons. Now, there has been recently issued, in print, a notice, signed by two persons on the part of those who are connected with this meeting, distinctly stating that the procession was to pass through the metropolis, and accompany the petition to "the door of the House of Commons." That is a printed declaration of these parties; and yet the hon. Member for Nottingham says it was never intended. Why, what would have been the case if, as the hon. Member for Finsbury had suggested, we had issued our notice a fortnight ago? Would it not then have been said that no such intention existed — that we had nothing but vague and groundless notions of what was going to happen? But when this printed notice has been issued and placarded, can it be said that the notice of the Government was unnecessary, and that no such intention was ever entertained as that of carrying the petition to the door of the House of Commons? Sir, I cannot say, that in every case of this kind such interference on the part of the Government is necessary. These cases depend very much upon the nature of their circumstances. I admit that there are occasions in which it is unnecessary to enforce the strict letter of the law; there are others in which, at particular times and under particular circumstances, great disquiet and alarm would be excited by such processions; and I put it to the House, whether this case falls within the former or the latter category? The hon. Member must know that such processions, which are calculated to spread alarm and terror amongst the peaceable and loyal subjects of Her Majesty, may have illegal objects. The hon. Member himself tells us that he has been reprobated. Reprobated for what? For his attachment to monarchy. The political society with which he consorts have reprobated him, he says, because he is a friend to monarchy. The hon. Member has said that other processions have been permitted. In this case the Government consulted the opinions of those who were competent to advise them as to the law; and, looking at the declaration to which I have referred, they thought it necessary to announce that the law forbade such a procession, and to warn all peaceable and loyal subjects against attending it. Has there not been sufficient notice given? There were three days, during which the hon. Member had ample time to reconsider the subject of the meeting. There might be cases in which, though parties may transgress the strict letter of the law, if their proceedings are cautious and prudent, they would not necessarily be prohibited; but where they are not only illegal, but of a nature to produce terror and alarm, it is the duty of the Government to interfere. I say, then, is it not the duty of the hon. Member for Nottingham, especially if, as he says, it was never intended to bring down the petition to the door of this House; to dissuade those with whom he is connected from a proceeding so pregnant with alarm, and to tell them, as he may with truth, that their petition will be respectfully received by the House of Commons, and that every fair opportunity will be given for the deliberate discussion of what is termed the People's Charter; to advise them to proceed cautiously and properly, and not by illegal means endeavour to terrify and overawe the deliberations of Parliament?

Sir R. PEEL: Sir, this is a discussion which I am not at all disposed to prolong, and I should not have risen if it had not been that my name has been mentioned by the hon. Member for Nottingham, and that he considers the conduct pursued by the Government with which I was connected, in the year 1843, ought to be regarded as a precedent by Her Majesty's Government for governing the case now before us. Sir, I have not the slightest recollection that I was a party to any proceeding in the year 1843 which ought to fetter the discretion of Her Majesty's Government at this time. I am aware that there have been many occasions on which numbers of persons have been permitted to approach the House of Commons, and I rejoice that it is so. I think we ought to be as indulgent as possible, without straining the law, in such cases, when it can be done without danger. I know that Spitalfields weavers, in large numbers, have been allowed to approach this House; and in 1843 persons, in numbers prohibited by law, were allowed to approach it. But I think that those cases were entirely different from this. I think Her Majesty's Government act prudently in not too readily interfering in such cases; and I think, with the noble Lord, that where there is no formal intention to infringe the law, and to menace the House of Commons, it is wise to show as much forbearance as we can. But I have no hesitation in saying that, whatever may be the precedent of 1843, considering the events that are taking place in foreign countries, and considering the excited state of the public mind at home, where a procession of this kind has been publicly announced, the persons composing which may be accidentally excited to disturbances of which it is impossible to foresee the consequences, I think the Government were fully justified in issuing the notice; and I think considerations of humanity, as well as of law, imposed upon them the duty of taking precautions against consequences we must all shudder at contemplating; and if the Government had not taken these precautions, and such consequences had followed, those who condemn and denounce them now, would have denounced them with ten times more vehemence, and with much more justice.

Motion for the House to adjourn withdrawn.

SECURITY OF THE CROWN.

Sir G. GREY said: I deeply regret that the spirit which has recently manifested itself in some parts of the United Kingdom —that the seditious and treasonable designs which have been openly avowed by too many persons, at least in one part of the United Kingdom, encouraging open hostility to the peace of society and the supremacy of the law, and exciting to the subversion of the existing institutions of the country—have rendered it necessary, in the opinion of Her Majesty's Government, tha we should come to Parliament to ask for an alteration in the law applicable to these extraordinary circumstances. I may as well state at once that there is nothing further from our intentions than to propose to Parliament the adoption of any measure calculated to place the slightest restriction upon the free, full, and indisputable right which the people of this country possess and ought to enjoy of discussing public affairs and deliberating upon every political matter. Still less have I any the most remote thought of proposing anything that should interfere with the undoubted right of Englishmen, Scotchmen, and Irishmen, to make their wishes known to Parliament, and to petition for the redress of grievances, real or supposed. Those rights have long been enjoyed, and I feel as fully as any man in the country can feel that the legitimate exercise of those rights constitutes the best security for the continued preservation of our institutions—that to those rights we are indebted, under Providence, for those constitutional liberties which we prize so highly, and upon which so much of the greatness and happiness of this country depends —rights which I should be equally forward to defend whether they were invaded by the Crown, or interfered with by demonstrations of violence on the part of those who profess to speak, but who do not truly represent, the sentiments of the people. I have always thought—and I see no reason to change my opinion—that it is owing to the free exercise of those rights that we are enabled to maintain our ground, and occupy that happy position which England at present holds — that England has not bent beneath the storm that has swept over the continent of Europe — has shaken the most powerful and despotic Thrones—and disturbed what were considered the most firmly established institutions in the world. But I think that, in pursuing the course by which we seek to defend that constitutional liberty which the great body of the people throughout the United Kingdom enjoy and appreciate, it will be felt that our efforts are directed to preserve its integrity and promote its continuance. Highly, however, as we may esteem those rights, I doubt not it will be universally felt that the exercise of them has its limits, and that recently those limits have been passed: no man forming the decision of a dispassionate judgment can doubt that those limits have to a very great extent been transgressed; that, under a pretence of discussing grievances, language of the most seditious description has been held; and that the law is, in some respects, insufficient for the repression of proceedings thus dangerous and exciting. I am anxious not to detain the House by reading, in proof of this position, many extracts from newspapers the contents of which are already, I doubt not, well known to the greater portion of the Members of this House, and which are already only too notorious. During the last few weeks there have been held in Ireland several meetings of what is called the "Confederation." At those meetings, as almost every Gentleman in this House must be aware, language has been held avowing designs incompatible with established government—subversive of the whole frame of society—inconsistent with the maintenance of order, and of the institutions of the country—and utterly opposed to the constitutional liberty which we are bound to respect and maintain. I know that Government has been reproached for not having sooner taken notice of these proceedings. It has been said that we ought long since to have availed ourselves of the means which the law had placed within our reach, in order to punish and restrain them. At the same time I am sure the House will agree with me that some discretion must be allowed to those who are entrusted with the executive power of the Government. I can confidently assure the House that the whole of those proceedings were watched with the closest attention by the Lord Lieutenant of Ireland. His first care, however, was to ascertain what effect speeches and writings of the character to which I have referred had upon the minds of the people of Ireland. The Lord Lieutenant was at first led to hope that the publications in the newspaper called the *United Irishman* would be regarded by the great body of the people rather as the ravings of a disordered imagination than as emanating from a sound understanding, capable of having any effect upon the conduct of the people. But, finding sedition from day to day continuing to make rapid advances—seeing that its progress was such as to endanger the peace of society, and to shake the security of established institutions in that part of the United Kingdom—it became the opinion of the Lord Lieutenant that he ought to avail himself of the means which the existing state of the law placed within his reach for the purpose, if possible, of arresting the mischiefs which those proceedings were calculated to produce and were producing throughout Ireland. The Lord Lieutenant then directed the only prosecution which he could direct against the parties who have thus acted; and those prosecutions are now pending—with what result it cannot yet be known; but he did all that the law in its present state enabled him to do for the repression of these proceedings. But how was that met? It was not met by any the least intimation of a desire on the part of those persons to act for the future in conformity to the law of the land; on the contrary, it was met by open defiance, and a declaration that, having committed sedition, they would proceed to the commission of high treason. I am not prepared to say that they may not have been guilty of this crime. No one whose attention has been directed to the subject can deny that there is considerable difficulty in drawing a broad and palpable distinction in some cases between sedition and high treason. The line of demarcation is not always very distinct. But in the present case the prosecutions have been instituted for sedition, and under the pending prosecutions, the offenders can only be subjected to the lighter penalty. I believe that many of the persons concerned in this movement in Ireland are persons learned in the law, or, if themselves not learned, that they act under legal advice—that, fortified in their own opinions, or supported by the knowledge and judgment of others, they do not abstain from encouraging the multitude to acts of high treason, though they seem to think that in doing no more than uttering the words of encouragement and excitement they expose themselves to no higher penalties than those which constitute the legal consequences of sedition. But I should not be surprised to find that they are mistaken in their opinion of the law; and that if, in connexion with their exhortations—with the exciting addresses which they are accustomed to deliver—if, in connexion with these, overt acts be committed by other parties, instigated by them, those who thus lead the people to their ruin may find that the law of treason may apply to themselves. Those who have hitherto considered themselves safe as not exceeding the limits of sedition, may thus possibly find themselves amenable to the law of high treason. At the same time, I am not prepared to say that from anything which has yet been done, the parties to whom I have been referring could be prosecuted for any higher offence than that of sedition. The question, therefore, for the House is, whether the present crisis calls for such an alteration in the law as that which I am about to propose. I should wish, if possible, not to weary the House with needless quotations; but there are passages in the *United Irishman* which clearly indicate an organised plan, not only of sedition, but, more properly speaking, of treason; in which the writer does not merely appeal to the fancies of an imaginative people, but enters into minute details for the purpose of pointing out measures calculated to insure success against the Government—gives instructions how barricades are to be formed—suggests various devices by which the Queen's troops might be defeated, and murdered—how missiles might be hurled upon them from windows and roofs of houses—and avows a design to drive the Lord Lieutenant from the government of Ireland, and, instead of the Queen's authority, to establish an independent republic in Ireland. On the 23rd of March, these are the terms in which Mr. Mitchell addressed at first his hearers and afterwards readers:—

> "I am charged with 'writing seditious articles, having a tendency to inflame the minds of the people, and excite discontent.' I did write seditious articles, and I will write seditious articles. (Loud cheers.) I will incite the people to discontent and disaffection. (Renewed cheering.) I know no reason why they should be content—why they should be well affected—towards the Government of England. (Loud cheers.) On the day this Confederation was formed, I, as you remember, came forward, and declared myself a disaffected subject, and promised to devote myself continually to excite disaffection in others. ('Hear, hear,' and loud cheering.) I think I have kept that promise; and, come what may, I will continue to do so. (Loud cheers.)"

Mr. Mitchell then proceeds in these terms:—

> "I am guilty of an attempt to sow disaffection in the minds of the people—I am guilty of an attempt to overthrow this Government, which keeps its footing on our soil by sheer brute force, and by nothing else. (Loud cries of 'Hear, hear.') And this I tell you, that until that Government be thoroughly upset, I shall not cease to write, to speak, to act sedition. One circumstance alone shall stop me in this career—my death. (Loud and enthusiastic cheers.) In their courts of law we shall take issue with them boldly and desperately. If we do not throw them there, we shall throw them on a broader field. (Vehement cheering.) It must be done. The news this morning announces that Vienna is in the hands of the people. (Renewed cheering.) Dublin must be in the hands of the people. (Enthusiastic and deafening cheers.) Stand by us, citizens, and it shall be done. (Cries of 'We will, we will.')

In the whole of the language thus held, the more violent the expressions the more vehement the cheers of the audience. Then we have Mr. Reilly coming forward with a proposition for the formation of a National Guard. I do not mean to express an opinion as to the legal effect of the words which that speaker used. I am not prepared to say that they do not go beyond the limits of sedition, or to affirm that they may not constitute a much higher offence. I will read the passage to the House. It will hereafter be the duty of the law officers of the Crown to deal with it as the case may require:—

> "Mr. Devin Reilly then came forward to propose a resolution for the organisation of a National Guard, and in doing so, was vehemently cheered. He said he was satisfied that the country would see in that evening's meeting a good beginning. (Cheers.) It was his high privilege to propose that they should take that evening the initiative step in the broad path of freedom (cheers); to propose the first of a series of steps for which his soul had long hungered, and for the want of which tens of thousands of his murdered countrymen had perished—the formation of an armed National Guard in Ireland. (Loud cheers.) This resolution called on the Council of the Confederation to inquire and report on the best and most effectual means of organising and arming such a body. (Loud cheering.) That was their answer to Lord Clarendon. (Cheers.) For every one of them he might imprison, hundreds would be ready to take their place. For every leader of importance imprisoned, they would arm ten thousand men. (Loud cheers.) For every hour he confined them, they would shorten his rule in Ireland by one hundred days. For every hair of their heads he touched, for every one he hanged —but he would not talk to them of hanging, for if there was sufficient manhood and devotion amongst them, long before things arrived at such a pass they would open the gaols with their pick-axes and crowbars. Long before that day every street of Dublin might be a barricade or a fortress, and every pavement carpeted with blood. (Great applause.) Long before that day they would show the tyrant out of Ireland by the light of the burning gaols. (Cheers.) Before that day every field in Ireland must be fought, every ditch defended, and every river obtain a notorious memory to live throughout future ages. Ay, and if they were driven into the remotest corners of their beloved island, they would make the graves of their murdered countrymen the last resting-ground for the defence of their precious liberties. (Cheers.) If they were to fail, let them nobly fail—if they conquered, they must do so by their own right hands. While they had arms in their hands they might defy the whole world—without them they were at the beck of every petty constable. (Hear.) Four months ago, when the Coercion Bill was introduced, he called on the people in that hall to arm. (Cheers.) Now, he called on them a second time to arm, arm, arm! (Loud cheers.) Had they armed four months ago, they would be four months nearer their liberty that day. Let them arm now; and when they had armed, they would be ready, and not sooner. (Loud cheers.) When they were willing to aid themselves, then God would assist them, and not before. (Cheers.) They had often been told about Ireland's opportunity, and that the time was not yet come. Now he would tell them that no time was opportune to a nation which was not prepared to go out at any moment and assert its rights. (Immense applause.) It was slaves only who waited for opportunities—a nation of brave men should be always prepared. (Cheers.) A great movement of the people was passing over the world. (Cheers.) Democracy had crossed the Alps and entered Austria. Last week he was in Paris, and there was smashed the strongest dynasty in the world. (Loud applause.) He would presently come to Ireland. (Cheers.) 300,000 Englishmen, Chartists, would assemble in London next week, and then they would have London in their hands. ('Hear, hear,' and loud cheers.)"

I wish the hon. Member for Nottingham had taken the trouble to show Mr. Reilly that in this he was mistaken. [Mr. O'Connor: I never read the speech.] Mr. Mitchell proceeds to say—

> "He promised them, as a brother, that whether that time came sooner or later, the first budge in England would be answered in Ireland. (Loud cheers.) Let them wait for that day, and prepare for it, by arming themselves; and, till that day arrived, he had but one advice to give them, and that advice was, to 'put their trust in God and keep their powder dry.'"

I will not read any further extracts from the speeches or the writings of Mr. Mitchell. The House is doubtless sufficiently acquainted with the character of his speeches; but I find by a speech of Mr. Duffy, of the *Nation* newspaper, delivered on the 5th of April, 1848, that he and those with whom he acts depend for the success of their designs not only on their own right hands, but also upon foreign assistance: they have applied to a foreign country for aid, and with the strength so obtained they have threatened the Government, and announced their intention of establishing a republic on the ruins of the monarchy. This is the speech of Mr. Duffy:—

> "He said he had news for them from Smith O'Brien. He thought they knew that he was no boaster. He believed that they could trust in what he said, and felt that he said only what he intended to do. He (Mr. O'Brien) received last week an address from a certain Irish club in Paris, and the answer to that address excited a storm of curiosity. The *Morning Chronicle* received that day expressed great annoyance that it could not lay its hands upon it, and the Lord Lieutenant would give an eye for it; but they would be generous—they would give it to him for nothing. (Cheers.) Here it was. Mr. O'Brien said, in answer to the club to which he referred, 'I have seen enough of France to convince me that she is able and willing, if invited, to make an effort to send 50,000 of her most valued citizens to support the Irish nation in a struggle." (Great cheering.) The answer of Lamartine had been received, and, like all State documents, it meant nothing (a laugh); but he thought they could be indifferent to it, after the promises of

> one of their truest men ringing in their ears. (Cheers.) The Union was repealed. (Cheers.) He thought so that morning, but he had 50,000 additional reasons for believing that it was repealed. (Cheers.)

I have not read this as attaching the slightest credit to the 50,000 reasons in favour of repeal of which Mr. Duffy is pleased to speak. Whatever opinion the members of the Irish Confederates may put forward on the subject, it is impossible to read the answer of M. Lamartine, and entertain any doubt with respect to its signification. He did not for a moment hesitate: he was bold, explicit, and, as I have no doubt honest, in distinctly and decidedly refusing to send a man to England or Ireland. I am persuaded that the disaffected party have not the slightest chance of assistance from France after the declaration of M. Lamartine. I believe that Mr. Duffy is deceiving himself, or making himself a tool for deceiving others, if he believes that, if they should be induced to arm themselves for insurrection, they would be backed, in what would otherwise be a hopeless struggle, by 50,000 French bayonets for the establishment of a republic in Ireland; and for the purpose of driving away from that country, not only every Englishman, but every person of property and wealth—for such statements have been made—who would not join them, and of confiscating their property. At the discussion to which I have referred, at the National Confederation in Dublin, Mr. M'Ghee said—

> "The Confederation should enlarge its borders, and every man should go forth that night a recruiting sergeant for the new National Guard. (Cheers.) They should have no more words about what they intended doing. Without an army they could not do anything. They should set about creating a union of all classes in right earnest; and the very first flash from their front ranks would drive from the soil for ever the tenants of the Castle. (Cheers.) Lord Clarendon had gone about begging from the churchwardens marks of confidence, and had told them, that in case of a rising they would not defend private property, but would merely protect the Castle and the public boards, and leave the citizens to form armed associations to defend their own. It was a base calumny against the people to say, that if necessity compelled them to draw the sword to smite in the cause of Ireland, they would play the burglar and the petty thief. They would not break into any private house. They would not outrage any private feeling, or violate any tie, but would smite the common enemy over the heads of those who were neutral, or hesitating in the cause of their common country. (Cries of 'Hear!' and cheers.) He regarded no man as an enemy except the foreigner and the intruder. If they were obliged to draw the sword as a last resource, every man would lie in the streets a corpse, with his hand beneath his lifeless head, or else Ireland should be a free nation. (Cheers.) They would have no authority but what was native—no soldiery but what they would raise themselves—no foreign flag should fly between them and heaven. Their green flag should float above their own towns, and go in the van with their men to battle. (Cheers.) They would fight—they must fight; they would be disgraced before the world if they did not determine their cause that year. (Loud cheers.) England should be quick about it if she desired to restore peace; and nothing but unconditional repeal would content them. (Loud cheers.)"

I am sure I need not further allude to what is the character of the advice given by men who possess some influence on the masses, or to what their designs are, which they do not attempt to conceal, but openly, unhesitatingly, and unblushingly avow. I will only make one observation with respect to the last extract I have read. Allusion is there made to the effect, that Lord Clarendon "had gone about begging from the churchwardens marks of confidence." I am bound to say, in justice to a large portion of the population in Ireland, that it has been quite unnecessary, while these proceedings were going on, for the Lord Lieutenant to go about begging for marks of confidence. I have received a letter from him, in which, after describing the state of the country, he says—

> "I have the satisfaction to inform you that the flagitious designs publicly avowed by the popular leaders have elicited the expression of much right feeling, and that a loyal declaration, extensively circulated throughout the country, has, in the space of a few days, received upwards of 140,000 signatures from persons of all classes, which may fairly be taken to represent the rank, the property, and the intelligence of Ireland; and among them will be found the names of many of the Roman Catholic prelates, clergy, and laity."

My noble Friend behind me reminds me that that letter is dated the 27th of March, and that it only stated the number of signatures then attached to the declaration. That is, however, but half the number of signatures which the declaration now bears; for since that period the amount of signatures has increased to 280,000. I need not say, therefore, that in referring to those speeches and writings, which have occasioned feelings of excitement and alarm, I do not allude to them as expressing the opinions of the great body of the people in Ireland. There is in Ireland a large portion of the population as loyal and as devotedly attached to the Government and institutions of the country as any to be found in any portion of Her Majesty's dominions. It is on that our great reliance is placed; but, in defence of these loyal subjects, the Government, if it finds the law too weak to put down sedition, is bound to come to

Parliament to ask for such an alteration of the law as—not exceeding the necessary limits—may enable the Government to deal satisfactorily with cases of this kind, and to restrain language calculated, if unchecked, to occasion terror and dismay among the loyal and peaceable inhabitants of Ireland. I will proceed now to state, as accurately as I can, what the law is with respect to offences of this kind. The law in England and Ireland is not the same on this subject. At least, there exist doubts whether the law of treason in the two countries is identical or not. The general law respecting treason, as the House is well aware, is founded on the 25th of Edward III., cap. 2. That law was extended to Ireland in the reign of Henry VII., and undoubtedly applies now to the whole of the United Kingdom; therefore any act committed within the United Kingdom, and falling within the provisions of the Statute of Edward III., renders the parties guilty of it amenable to the penalties of high treason. By that Act any person compassing or imagining the death of the Sovereign, levying war against the Sovereign, or being adherent to the King's enemies in his realm, giving to them aid and comfort in the realm or elsewhere, is guilty of high treason, and subject to the penalties of high treason. But an important alteration of the law was made by the 36th of George III., which was to endure only for the life of the then King, and for one Session of Parliament after his demise. By that Act, passed in 1795, it was provided that—

> "If any person or persons whatsoever, after the day of the passing of that Act, during the natural life of His Majesty, and until the end of the next Session of Parliament after the demise of the Crown, should within the realm or without compass, imagine, invent, devise, or intend death or destruction, or any bodily harm tending to death or destruction, maiming or wounding, imprisonment or restraint of the person of the King, his heirs or successors, or to deprive or depose him or them from the style, honour, or kingly name of the Imperial Crown of this realm, or of any other of the King's dominions or countries, or to levy war against the King, his heirs and successors, within this realm, in order by force or constraint to compel him or them to change their measures or counsels, or in order to put any force or constraint upon or to intimidate or overawe either House, or both Houses of Parliament, or to move or stir any foreigner or stranger with force to invade this realm, or any other of the King's dominions or countries, and such compassings, imaginations, inventions, devices, or intentions, or any of them should express, utter, or declare, by publishing any printing or writing, or by any overt act or deed, legally convicted thereof, on the oaths of two credible witnesses, in due course of law, should be deemed and adjudged traitors, and suffer the pains of death, and also forfeiture, as in the case of high treason."

That was a most material extension, as the House will observe, of the law of treason as existing under the Statute of Edward III., and applicable to England and Ireland. By the Act of Edward III. it was required to constitute the crime of high treason, that a person should compass or imagine the death of the King, or should actually levy war against him, &c.; but the 36th of George III. extended the law of treason, making it applicable, not only to persons who should compass the death of the King, or his imprisonment, or should actually levy war against him, but to those who should compass and design to levy war against the Sovereign, or stir up any stranger or foreigner by force to invade this realm, or any other dominions of His Majesty; and should express, utter, or declare such purposes, by the publication of any writing or printing. I before observed that this Act was only a temporary Act; but in the 57th of George III. this first section of the Act was made perpetual. The Act of 57th George III. was passed subsequent to the Union, yet grave doubts have existed whether it extended the law "it made perpetual" to Ireland; and the preponderance of legal opinion inclined to the conclusion that this statute does not extend to Ireland, and that the Government would not be justified in indicting for treason parties committing any of the offences comprised in that statute if committed in Ireland. Now, I think the House will agree with me, that, whatever its opinion may be with respect to the law, or whatever alterations of the general law it might deem expedient, there exists no sufficient or satisfactory ground for any difference in respect to the law of high treason in one part of the United Kingdom and another. This law of treason applies at present to England and Scotland; but doubts, at least, exist as to its application to Ireland. In Ireland, therefore, the only law of treason clearly in force is the Statute of Edward III. I believe Ireland has derived no benefit from not having this Act applied to it; and that recourse has been had from time to time to more violent remedies than would have been necessary if the ordinary law, applicable to the suppression of treasonable designs in other parts of the kingdom, had been in force in Ireland. The consequence is, that when the Government of the country, having its attention directed to writings and language of the kind to which I have adverted, and finding dangerous consequences likely to result from such writings and language, has recourse to the legal powers it possesses to avert the results likely to ensue, and to prevent, by the punishment of the guilty parties, perhaps scenes of bloodshed and ruin, it discovers itself to be comparatively powerless for this purpose. The only law applicable to anything short of high treason is the law of sedition; and I have already adverted to what is the consequence of such a state of the law. Sedition is a bailable offence, however nearly it may approach to the crime of treason, and however difficult it may be to recognise the distinction in many cases. It is, however, bailable; and when bail is given, the party offending is then released from the time of his original arrest until the time of trial, and is at liberty, if he chooses to risk the consequences, to repeat the sedition, and to employ the interval in prosecuting those designs for which he was to be made amenable to a legal tribunal, and in attempting to avert, by overturning the institutions of the country, the punishment to which he may have rendered himself liable. One mode of dealing with this case would be, that the doubts now existing respecting the application of the law to Ireland should be simply removed, and that the Statute of the 36th George III. should be rendered perpetual and extended to Ireland. The law, then, throughout the whole of the United Kingdom would be the same. I admit that it is desirable that the same law should be enforced throughout the whole of the United Kingdom; but when we look at the provisions of the law, we find it in its justly comprehensive character to be one, nevertheless, of great severity. It must be borne in mind, also, that for some time past our criminal code has undergone wise and humane alterations, mitigating the punishment which used to be applicable to many offences. A salutary change has taken place in public opinion with respect to the crimes to which capital punishment should be attached; and it is desirable that our legislation should proceed, as far as is consistent with the great object of criminal laws, in accordance with that spirit. We, therefore, do not propose simply to apply this Act to Ireland. The provisions of it, as I have stated, are severe, and, considering the modifications which have taken place in our criminal law since the passing of that Act, we do not wish to propose any enactment either for England or Ireland which should be at variance with the spirit of our recent criminal legislation. We do not propose, however, to repeal any portion of the penalties of that Act, so far as relates to compassing the death of the Sovereign, or the personal restraint or imprisonment of the Sovereign; and we propose to extend all the unrepealed part to Ireland. We do not think we ought in any degree to relax the stringency of the law which throws that protection round the person of the Sovereign; but with respect to the other offences — offences embraced in the perpetual Act, applicable to England, and amounting here to treason—we propose to repeal so much of the Act as relates to offences not immediately directed against the person of the Sovereign, Her heirs, and successors. We then propose to enact that the latter offences mentioned in that statute should be offences subject to the same penalty in England, Scotland, and Ireland, and that the commission of them should be felony, subjecting the parties guilty of them to transportation for the term of their natural lives, or for a term not less than seven years, at the discretion of the Court, as these offences admit of various qualifications under various circumstances. That is the substance of the Bill which I propose to ask leave to introduce. With respect to the offence of compassing the levying of war against the Sovereign, or moving or stirring any foreigner or stranger to invade the country by force, the Act of George III. is sufficiently explicit; but I am afraid that this would not quite meet the evil we now have to contend with. The 57th of George III. requires that the imagining and compassing should be expressed in a printed publication, or writing, or by an overt act. I take it to be an overt act if persons go to a foreign country to ask for aid, and to invite an invasion; but if a person in Dublin, or in any part of this country, openly and publicly excite others by speech, and not by writing, to any of these acts, he might still be exempt from any penalty except that which attaches to sedition. In mitigating some of the severities of the law, we are bound to see that we do not allow any loophole by which gentlemen who are themselves learned in the law may escape the penalty attached to the higher offence, because they may have the prudence to abstain from publishing their speeches themselves, which nevertheless are daily reported and published in the newspapers. We must take care not to give them the opportunity of saying that they cannot be touched except on the charge of sedition, which would leave them for a time to follow up their designs and to carry them out, irrespective of the consequences to others who may be brought within the reach of a more stringent law. We, therefore, propose to bring within the provisions of the Bill I am about to introduce all persons who should compass and promote the prosecution of such designs as I have referred to by "open and advised speaking." These are terms well understood in the courts. Such is the substance of the Bill which I ask leave of the House to lay on the table. Having been in constant communication with my noble Friend the Lord Lieutenant of Ireland, I may state that he feels himself comparatively powerless in the exercise of the authority which the ordinary law gives him to stem the tide of sedition. Anxious as he is, with the constitutional principles which influence him—anxious as the Government are not to ask for larger powers than are necessary—anxious also for the peace, the interest, and security of the realm, and for the means of adequately discharging those duties which devolve on the Government, who are responsible for the security of the Crown and the Government, for the tranquillity of the State, and the maintenance of Her Majesty's dominions—the measure I now ask leave to bring in is what we consider essential to arm the Lord Lieutenant with sufficient powers. This measure will be applicable to the whole of the United Kingdom; and for open and advised speaking in favour of the designs which have been openly avowed, the parties will be liable to transportation for a term of not less than seven years. I do not refer to such a speech as was attributed to the hon. Gentleman (Mr. O'Connor), but to speeches which would come within the term, which he will understand, of "open and advised." This, it is proposed, should be made the law for the whole of the United Kingdom; and, this offence would be rendered felony in Ireland, instead of its being, as it is at present, only sedition. There may be other regulations necessary to be hereafter proposed to the House; but they will partake more of the character of police regulations, to meet any disposition to follow the advice that has been given "to arm for the coming conflict." I will not, however, mix that subject up with the present. I propose this Bill as a permanent amendment of the law, and, I believe, a valuable amendment of the law, as respects the whole of the United Kingdom. I believe that it will arm the Government with powers which will render it more respected, and prevent the scandal of persons inciting to crimes such as I have adverted to in one part of the kingdom, which they might be effectually prevented from doing in another. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

Mr. J. O'CONNELL regretted to say he felt obliged to oppose the Bill. There were some of the observations of the right hon. Baronet in which he did not concur, and many in which he did. He concurred with the right hon. Baronet in the feeling of abhorrence which he expressed at the doctrines preached throughout Ireland, and in the attempts made to drive the people of that country into the most criminal acts of rebellion. It was not from any sympathy in the policy pursued by those paltry parties. He could not be accused of having much sympathy with them, if for no other reason than because some of those very men had attacked him personally with all possible acrimony, and some of them went even so far as to suggest, both in newspapers and in speeches, that he ought to be made away with, as one who stood between them and the accomplishment of their crimes. He had no political sympathy with these men, for he believed in his soul that such persons were the very worst enemies of the cause to which he was devoted. He believed in his soul that they were to the cause of repeal what the United Irishmen of 1798 were to the progress of liberty in Ireland, for it was notorious that the acts of the United Irishmen were the cause of the Union. The country was, by their infatuation, thrown into a state of confusion, and the fatal Act of Union was passed. The greatest danger which beset the repeal cause was its having been taken up by men who uttered the most criminal doctrines, and who gave the most criminal advice to the people. Yes, he thought such men the very worst enemies of the cause which he advocated. Therefore, he again repeated, his opposition to the Bill did not arise from any sympathy whatever—not the slightest—in the acts or language of these men, for he entertained towards their doctrines feelings of the utmost abhorrence—feelings as entire, as full, and as strong, as those entertained by the right hon. Baronet. If he thought that this Bill was absolutely necessary, in order to preserve the peace, he would at once assent to it; but he was under the impression that it was not immediately nor imperatively needed. It was his firm impression that the ordinary law was sufficient, and that this measure would only have the effect of increasing the irritation which already existed in that country. It will be said in Ireland, "See how ready the British Government always is to avail itself of every pretext for passing severe and penal measures, but see how slow they are to redress our grievances. In all matters of severity the Government is always willing to make the laws as strong, if not stronger, in Ireland than in England; but as far as constitutional privileges are concerned they do nothing." He would remind the House, more in sorrow than in anger, of the opportunities lost by the present Government for conciliating the people of Ireland. Let him remind them of the pledges given, not merely by the Government, but by both sides of the House, of their intention to remedy the social and political ills of Ireland, and how little had been done towards the fulfilment of those pledges. It was his unpleasant duty to oppose the late Coercion Bill for Ireland proposed by the Government; and upon that occasion he told them how dilatory they were in the performance of their promises towards Ireland, and that nearly two years had elapsed without one substantial measure of justice having been carried for that country, or even attempted. Upon the third reading of that Coercion Bill, he again addressed the House, and told them that, as there was no longer any doubt that it would be carried into law, he trusted that remedial measures would accompany it. But his remonstrances had been utterly useless—nothing was done—nothing was even attempted, unless an absurd Landlord and Tenant Bill, with machinery so cumbersome, and involving so much expense in the working, that it would be useless, or worse than useless, and which would produce discontent rather than satisfaction. Great promises had been made at the beginning of the Session respecting Ireland; but here they were, in the third month of it, and he asked the House whether a single Bill had been passed, or was in progress, calculated to mitigate the sufferings, whether political or social, under which it was admitted that unfortunate country groaned? He could concur with the Government and the House that much of the irritation and discontent which at present existed in Ireland was caused by this breach of faith, and that the canker-worm which preyed upon the vitals of that country was the misgovernment and the bad legislation of this House. A great deal of the disturbance and discontent which now existed in Ireland was attributable to their want of faith; and if they had done justice, it was quite impossible that those men could have so wrought upon and influenced the minds of the Irish people. If they had acted fairly and in a candid spirit of fair dealing towards them, those preachers of sedition, instead of being applauded, would have been hooted and hissed through the streets of Dublin; but the unfortunate people were in a state of despair, and it was little to be wondered at that they were ready to listen to the most violent and seditious language. The strength of those spouters of sedition was their injustice—give the Irish people but justice, and they would most effectually disarm those speakers and writers. He believed the present laws were quite sufficient to preserve the peace, and to bring to justice those who endangered the peace of society in their doctrines. Let them bring in measures of amelioration and justice instead of coercion and "gagging" Acts, and they would leave those preachers without a single auditor. Again, he thought the moment at which the Bill was introduced most inopportune. Why was it not introduced before? Why was it brought in on the approach of term, when those gentlemen were to be tried? Why not await the result of that trial? Why not see whether the ordinary law would not meet the occasion? But it was said that new powers were given by the Bill—magistrates might not take bail for seditious offences. He was not quite satisfied but that magistrates might refuse bail for such offences at present. If there was anything new in the Bill it was increased severity; and he left it to the House to say how much of it would induce the people of Ireland to place faith in the wisdom and clemency of the Imperial Parliament when they found that the only measure which Government introduced to meet their admitted wretchedness and distress was one of coercion and extreme severity. He had no objection, but, on the contrary, as a loyal subject, would do all in his power to prevent the spreading of sedition, and would think he had neglected his duty if he did not act so; but then he thought the ordinary powers of the law, if efficiently worked out, were amply sufficient for that purpose. He would not utter one sentiment which might in the slightest degree prejudice or affect those gentlemen who were in the course of a few days to be put on their trial; and he thought the right hon. Gentleman the Home Secretary might have spoken with greater caution upon this subject. Again, he said he was prepared to do his duty, as every loyal subject should, in any emergency, or in case an attempt was made to carry those wicked designs into execution. He wished the peace of the country to be preserved—he wished the institutions of the country to be maintained—he wished that the laws of the country might not be violated — but at the same time he would continue to advocate the repeal of the Union, and in doing so he was not acting in any way contrary to the spirit of the constitution, or in defiance of any statute. He must once more express his decided conviction that this Bill would only inflame—irritate, and that it would render a large portion of the people sympathisers with those men who had now only some hundreds, or at most some thousands at their guidance. He wished the Government would postpone the Bill, and try what measures of conciliation and of a remedial nature would effect; and he said this as one who had done all in his power to counteract the evil tendencies of the seditious harrangues of those persons. He would oppose the Bill.

Mr. HUME said, he always heard with alarm any attempt at coercion; and, last night, when he heard the notice given by the right hon. Baronet, he was alarmed at what might be its purport. He wished to know whether he rightly understood the proposition of Her Majesty's Government? In the first place he must observe that he thought the time was come when all these old Acts should be repealed, and that one simple Act should be framed to make the existing law of treason felony. At the present moment it was difficult to define what was really treason. It seemed that certain existing Acts did not extend to Ireland, and that Her Majesty's Government proposed to make the same law which was applicable to England and Scotland applicable to Ireland. Here he quite agreed with the Government. The second object, he presumed, was, that there should be a modification of those offences which were now punishable by death—making the penalty that of transportation; and that therefore that which was now high treason would be dealt with as felony. That was an alteration which he approved of, for he never found that very severe laws worked well practically. But then came the third point. There was a clause proposed to the effect that in England, Ireland, and Scotland, alike, the fact of a person openly, avowedly, and advisedly speaking, was to be deemed a new offence. If speaking openly and advisedly was to be made felony, he did hold it to be a great stretch of power, and an innovation which might be attended with serious consequences. No man deprecated more than he did any man urging others to do or say that which he had not the courage to do himself. But if the whole population were to be placed under this new law, it might be termed a gagging law, if he understood what had been stated by the right hon. Baronet. The interference with the freedom of speech on political matters, was to impose a power which was neither wise nor just. He must express his regret at the noble Lord introducing so great a novelty. He protested against this clause. Let the House clearly understand the intentions of the Government. By opposing the introduction of the measure, he thought they should, perhaps, do injury to the Government, and they might be supposed to be interfering and stopping the Government in refusing them those powers which he wished them to have. He would therefore, suggest to the hon. Gentleman, who, he presumed, intended to divide the House, that he should satisfy himself by protesting against what he called the gagging clause. They would, however, be able better to judge on the matter when they saw the clause in print. He was, therefore, anxious to have an explanation from the bench below him as to whether he clearly understood that it was felony to speak openly and advisedly at public meetings? If this were to be the case, he should enter his protest against this new enactment.

Lord J. RUSSELL said, perhaps the House would allow him to explain. His hon. Friend was right in saying that the Government proposed to extend the same law to Ireland which now prevailed in England and Scotland. They proposed also to mitigate the character of the crime and the punishment. They proposed to alter the one from treason to felony; and to change the punishment from the penalty of death to that of transportation. The hon. Gentleman was quite right in supposing that part of the words introduced were new, and not contained in the Act of 1796. It was not that the person by openly and advisedly speaking at a meeting was liable to the penalty named; but "any person intending to depose the Queen, or proposing to make war against the Queen, or seeking to intimidate or to overawe both Houses of Parliament, or seeking aid from any foreign Power to invade the United Kingdom with that intent, or should express either, or declare in writing, or openly or advisedly speak to that effect—such person so offending should be liable," &c.

Mr. HUME understood that part of the new matter went to prevent parties going over to a foreign country, and soliciting its aid against this country. To that he could have no objection; but his objection on the point he had referred to remained.

Mr. F. O'CONNOR objected in the strongest manner to the introduction of the measure in the sixteenth year of the Reform Bill, and after the former promises of the Government that severe laws would be rather relaxed than increased in the United Kingdom; and it was his intention, if he stood alone in that House, to resist such a Bill. If they took example from what was passing abroad, to institute coercion, they ought also to take example from the concessions which had been made to the people of foreign countries. One of the first shackles which a liberated people struck from their arms was that which was imposed upon the liberty of the press; and he could assure them that there was very little use in the freedom of the press, if it were not accompanied by liberty of speech. What were they about to do? To revive and extend the old statutes of treason, of the Henrys, of the Edwards, and the Georges. This Bill was an infringement upon the rights and liberties of the people of England. The hon. Member for Limerick said that he had been much abused for having opposed the proceedings of those persons in Ireland who had made the speeches alluded to by the right hon. Gentleman who introduced the Bill. Perhaps the hon. Gentleman would wish to have those clauses extended to himself for his protection, so that no one should speak against him more than against the person of the Sovereign. Let them see what this Bill would do. In Ireland at the present time one witness was sufficient to prove the crime of treason; by the law of England two witnesses were required; so that while they extended the meshes of the law, and included a greater range of offences within its grasp, they had not equally extended the security for the innocent man against the machinations of the perjurer and the informer. He would ask the Government what had been the principle contended for by the reformers of old? Why, it was that the power behind the Throne should not be superior to it. Let them remember this—let them act upon this principle; and they would not shame those whom they boasted as their predecessors; as long as they permitted liberty of speech to the people, they might have sedition preached, but it would be open sedition, against which they could guard. Should they, however, adopt a contrary course, it would be sown far and widely in secret societies and clubs—they could not guard against it, for the danger would not be known until it burst upon them, for every man would be afraid to express an open opinion, fearing he might tread upon the very verge of sedition. As to danger from invasion, he would say that he should be the very first to volunteer against a foreign army, because the umpire in such cases ever became the conqueror and the oppressor. In the language of the hon. Member for Harwich, in 1822, he would assure them—

> "If you want to tranquillise Ireland, you must do her justice; but you cannot prevent her from rising, if you refuse, not even if you have a halter round the neck of every man, with an armed soldier at his back."

Would the present Bill tranquillise Ireland? He believed far otherwise. Was this Bill the means by which they wished to do justice and to pacify a starving and excited people—to give security to property and protection to life? The principles contained in the People's Charter were those principles which were advocated by Charles James Fox, the Duke of Richmond, and the other great reformers of that day. They contended for the very same principles which the people advanced now. The present Bill would leave it in the power of the Judge to discriminate upon the niceties of language, and to decide where sedition commenced, and where treason ended. They all knew that the difference—the line of demarcation—between sedition and treason was difficult to be laid down. This Bill would leave the decision in the hands of the Judge. Let them remember that he was the officer of the Crown. There was a saying used by the predecessors of the Gentlemen in office, which was very popular at one time, and which he would like to see carried into effect. It was, "the power of the Crown has increased, is increasing, and ought to be diminished." It was repeated by the present Gentlemen when out of office. What had the Queen or the Government of this country to dread except the disaffection of the people? That disaffection could not be cured by coercion. The principle upon which Her Majesty's Ministers were relying was coercion—coercion for England, and coercion for Ireland. If they were to extend this law to Ireland, why not extend it upon the same basis as that it was founded upon in England? Why should they leave out the modification, and place Ireland in a worse position than England? He wished to know, were Irish Gentlemen prepared to give a silent vote upon this Bill? Let them give every man in Ireland the fullest right of speech; let them enact for the country good laws; and then such Bills as this would not be required. Then they might allow the few uncomfortable men to talk and talk away; the soundness of the majority would govern, and peace and order would reign triumphant. The people of the country expected more from the Government of the noble Lord than from any other Government which ever held office; yet now, in the sixteenth year of the reformed Parliament, they introduce a Coercion Bill; why, they would revolutionise the whole country. If they were awakened to a sense of danger, and if they were paralysed by what was going on abroad, concession and not coercion would add to their security. He (Mr. O'Connor) had always told the people that the very existence of the Government was *primâ facie* evidence of its goodness. He had also always told the people that they had more liberties and more privileges than any other people in Europe; those privileges were the right of free discussion and the liberty of speech; take them away and they would stop his mouth: he did not mean by intimidation, but he would not be able to tell the people that they were so any longer. As for him, he had been always made amenable to the law; 500 men had been made amenable to the law, which was a sufficient proof that the law was strong enough to vindicate itself. It was monstrous that this addition should be made to it; and he was right glad that the hon. Member for Montrose was the first English Member to rise, and, with his usual sagacity and love of justice, to enter his protest against it. What was the fact? The Government made a relaxation in the law of treason, in order to make a very great alteration in the law of sedition. Under colour of a relaxation of the law, they made a very great infringement on the liberties of the people by interfering with the law of sedition. It was high time that these disgraceful laws should be swept from the Statute-book; let them do this, let them not coerce the people, let them listen to their complaints, and let them redress their grievances, and then they might defy sedition at home, or invasion from abroad. If he went into the lobby alone, he would divide the House upon the question; it was courtesy to concede a first reading of a Government Bill to the Government, but he looked on the first step in which there was a departure from principle as the wrong one; and, thus viewing it, he would not concede anything to courtesy. In every case where the law had been relaxed, the people had become more contented, more peaceable, and more happy; and if they doubted this, he would refer them to the case of the Jews in Hamburg in the year 1786. In conclusion, he would protest against this Bill as an infringement upon the rights and liberties of the people.

Mr. R. M. FOX was convinced there never was a time when the people of the two countries might more certainly advance in prosperity than the present if they were only quiet and peaceable. He would do all in his power to establish peace, but he thought it could not be effected by any symptom, however small, of a coercive tendency. He was sure that every Irish Member would with him express their abhorrence of the treason which was uttered by Mr. Mitchell and others, principally because it would lead the Irish people into a collision with the military, the result of which would be the annihilation of order, and the starvation of thousands more than what occurred now. But he was sure that the Government and the landlords in Ireland could do much to avert all these calamities, and bring the country in a short time into prosperity, happiness, and peace. If they really wished to establish quiet in Ireland, he thought in one month it might be done. Let the Government undertake to establish a poor-law equal to meet the existing distress, and conferring upon the poor what at present they had not, a right to relief the same as in England; let them give a vastly extended franchise and a vastly extended right of representation, and let them declare that they would take into consideration the much-mooted question of the repeal of the legislative Union, and allow hon. Members to discharge the business of their own country; and if the Irish landlords would also do their part towards the general welfare, then the voice of Irish discontent would be silenced for ever.

MR. GRATTAN considered that the Irish people were loyal. Nor should he doubt of their loyalty and tranquillity, were it not for the extravagant preparations of war to which he had been a witness. Ministers had paid importance to speeches, and they had prepared barracks; but, in his opinion, they had paid greater importance to spies and informers than they should. The island was filled with soldiers; troops were quartered in Trinity College, in the Linen Hall, at the Bank, and in Leinster Lawn. The Lord Lieutenant was perfectly right in guarding against insurrection, because he must know what would be the consequence of an attempt at revolution. But he did believe that the Lord Lieutenant was not rightly informed as to the state of Ireland—he was surrounded by bad advisers, and Irishmen were far apart from his councils. The whole country was in a state of alarm, and that alarm prevailed especially among the old unmarried ladies. It appeared that spies and informers were the order of the day. A man of the name of Hyland had come forward, the avowed pikemaker to the Castle of Dublin. In Limerick one of the Castle agents ordered ten pikes, but could only get three. Now, he would ask them, were they come to such a pass that the country was to be governed through the medium of spies? When spies were employed under the Administration of Lord Castlereagh, the people of England to a man protested against the employment of such infernal miscreants. The Bill was for the purpose of giving securities to the Crown and to the Government; but there was no mention in it of security to the people. He would tell them that the people had no security. The present measure would fall greatly short of its mark; and he was certain that it would not succeed. The whole system of English settlement had failed in Ireland. The Duke of Wellington, who said the only time he lost was the time he spent in Ireland, admitted that it was a failure, and he said that they should reconquer Ireland, not by the sword but by justice and concession. The right hon. Baronet the Member for Tamworth admitted the failure; and they might not and ought not to expect to govern a country by a body of men who lived out of it. The greatest of Grecian orators said, that the property of the absent and the indifferent would soon become that of the active and the energetic. This would be the case in Ireland; the property of the country was in the possession of the frieze coat, and he would soon become as of right entitled. Were the absentee landlords at home, the country would be as quiet as any part of England. People took the rents, then ran away, and called upon the poor Irishmen to stand the brunt of the battle. Hon. Members had little idea of the deplorable state in which the country was. A parish priest in Galway wrote that he had seen a woman dead in a ditch by the way side, and that a little farther on he had administered the sacrament to another female, whom he found dying upon the path. In the gaol of Cork no less than 866 persons had died in a month, and yet the Government were contented with the most inefficient measures of relief. It was not that the people of Ireland wished to separate themselves from England—to throw off their allegiance to the Crown. The priests dreaded and opposed the principles of the French revolution, and the Government need fear no insurrection arising from purely political causes. What they had to dread was the consequences of the general and deep-seated discontent of the people. Let England take means to relieve their sufferings, and so they would put an end to their disaffection. Let measures be passed to compel the residence in Ireland of the Irish nobility and gentry, and let Her Majesty call together a Parliament in Dublin.

LORD DUDLEY STUART observed, that the Bill was called a Bill for the better security of the Crown and the Government. Now, he thought the best way of securing the one and the other was to attend to the just wants and wishes of the people. Indeed, there was no other way. They might bring in Coercion Bills, and thus get over a temporary difficulty; but the remedy would be temporary also, and by it no permanent security could be attained. This observation he applied to England as well as to Ireland and Scotland. He wished for equal laws for every part of the empire; and, so far as it went, to promote an equality of legislation. He approved of the Bill before the House. But how did it propose to effect that equality? Why, by making the laws of England more indulgent, and those of Ireland more stringent. He believed that in this country the people would not long rest satisfied without an extension of the franchise, and a division of the country into electoral districts. The time was not far distant when we must have—not to mince the matter—a new Reform Bill, embodying a more just and equal system of representation than the present. In Ireland, too, there were many things which the people wanted, and which they had a right to demand; and although some law of this kind might be necessary—for it was clearly impossible to allow matters to go on in Ireland as they had been proceeding—still, when they introduced measures of this description to make the law more stringent, they ought at the same time to bring forward measures for the amelioration of the country, and for the relief of the wants of the people. But where were their remedial measures? With the exception of one other Bill, at present in another place, and the measure relating to landlord and tenant—which he had good authority for saying was of such a complicated nature that it would never be brought into satisfactory operation—with the exception of these two Bills, not a remedial measure had been introduced. Surely this was not a time when a Government could be content to remain inactive. They ought to strain every nerve, to turn every stone for the relief of the suffering country. He believed, that though the Irish might be an excitable, that they were an intelligent, a courageous, an affectionate, and a loyal people; and in illustration of the fact, he might recount to the House an anecdote which was little known, but which he assured them was perfectly true. At the commencement of the late French revolution, before it was known whether or not the people would be hurried into those excesses which they happily avoided, or what the danger to individuals or property might be, a deputation of Irishmen waited on Lord Normanby, and told him that if he entertained the slightest apprehension either for the safety of his person or that of the embassy, they had come to offer the services of 500 Irishmen, residents in Paris, who would form themselves into a body-guard, and shed every drop of their blood in defence of the best Lord Lieutenant which Ireland ever saw. With regard to the Bill before the House, he was bound to say that he looked with great jealousy upon any measure interfering with liberty of speech; and if he did give his vote for the first reading of the Bill—for he did not desire needlessly to embarrass the Government—still he hoped that it would be understood that he only recorded that vote in order that the Bill might be introduced and laid upon the table of the House—reserving to himself the full right of voting against it should he so determine at the second reading.

Mr. REYNOLDS had heard the concluding portion of the speech of the noble Lord with great pain, because he was of opinion that a Bill the provisions of which had been so fully explained by the right hon. Baronet the Secretary for the Home Department—a Bill of so unconstitutional a nature—ought to be met on the threshhold with the firmest opposition. He reminded the House that three months only had elapsed since they had assented to another most unconstitutional Bill. He had foretold the result of that Bill. He had warned them that it was an unjust and uncalled-for measure, and that if it were passed it would not accomplish the object of its proposes. Well, but it had passed; and could anything be a stronger proof of its failure than the new measure introduced to-night? The object of that measure was to punish with transportation for life, or as a *minimum* with transportation for seven years, offences now punishable by fine and imprisonment. But there was another and a still more alarming ingredient in the Bill—for it placed in the hands of the Attorney General the power of inflicting the punishment of transportation for life, on account of words used in a moment of excitement, or perhaps words not spoken at all, but sworn to by some hireling incendiary; and he regretted to say that Ireland was too productive of such characters. ["Hear, hear!"] He knew the meaning of that cheer; but was it not true that Government after Government, whether Whig or Tory, had from time to time given encouragement to such characters? Why, only a day or two ago an agent of Government, Colonel Browne, the commissioner of Dublin police, despatched an emissary to a constituent of his to purchase pikes in order to found a charge against the vendor—the money for the weapons being actually paid, he presumed, out of the metropolitan police fund. He had heard it stated that Colonel Browne was a man of excellent reputation. He had the honour, if it were an honour, of knowing Colonel Browne;

and the recent transaction had certainly not raised that gentleman in his opinion. He did not know how a man could be called respectable who was guilty of such conduct; and he put it to the Attorney General whether there was any law justifying the employment of a miscreant to go about giving orders for the manufacture of pikes? He understood, however, that it was quite in the line of Colonel Browne to be employed in this way. A full brother of his was employed in pursuing the unfortunate Queen Caroline, when she was persecuted from place to place, and he also received the wages of his prostitution. With respect to the conduct of those who were invoking French aid, he could not find words sufficiently strong to express his disapproval. But some allowance ought to be made for the state of the country. Look to the wholesale ejectments which were taking place. Were such scenes to be as common in England, they would have treason talked in every parish. Indeed, were it not for the influence of the Roman Catholic clergy of Ireland, not all the military strength at the command of this powerful Government could keep the peace of Ireland for forty-eight hours. If the majority of his countrymen were Protestants, they would not submit to the oppression they were now obliged to undergo. Let them consider the grievances Ireland laboured under. First, there were the temporalities of the Protestant Church, amounting to 700,000*l.* annually, without including—as he believed—the glebe lands, levied from a people of whom not above one-eighth belonged to the establishment which this vast sum was intended to support. Again, the political franchise was rapidly narrowing, and the municipal franchise had dwindled away almost to a name. In Dublin, with half a million of inhabitants and 21,000 rated houses, there were only 3,000 voters; but in Liverpool the proportion was far greater, because the municipal laws of the two countries were different, and the standard was made higher in Ireland than in England. The Bill before the House contemplated the infliction of a deep wound on his native country; but it should not be forgotten that she did not enjoy the same privileges, either as a franchise for Parliament nor for corporations, as England—that her waste lands remained uncultivated—and that she had received no benefits—at least he was at a loss to know what they were —from that House. They proposed to punish by transportation for life or for seven years, offences which were now punishable by fine and imprisonment; and that those political offences which at present were tried by special juries should in future be handed over to petty juries, where the Crown had the unlimited right of challenge, while the right of the prisoner was restricted to twenty. When he recollected the system of packing juries which had prevailed in Ireland, he shuddered at the prospect of this change. Was this Bill intended so have a retrospective operation? [Sir GEORGE GREY: No.] He was glad to hear that statement, for he feared it was intended to apply it to offences which had been already committed. He implored the Government to pause before they passed this Bill, and to try whether some other remedy could not be provided to suit the present circumstances in Ireland. He implored them to try the effect of mildness on the people. If they relied on the ordinary tribunals of the law, the Government might rest assured that they would be in a position to laugh to scorn all those who were plotting against them, and throwing obstacles in the way of the administration of the law. What right had the Government to apprehend any violation of the public peace in Ireland? [*A laugh.*] He told the hon. Gentlemen who laughed, that the heart of the people of Ireland was sound; and instead of being laughed at, he should be cheered for his statement. Let the House take care, should this Bill be passed, if the people would remain so. With 30,000 troops and nearly 15,000 police, they had almost taken military possession of Ireland; but he called on them to show any one act which would justify that course. To be sure there had been a great deal of talk; but wherever he found much talk, he was certain to meet very little fighting. Then this talk had been all open. Men who concocted revolution very seldom warned the Government of their intentions; but here had been three men coolly saying, on such a day we intend to throw vitriol on the soldiers, on such a day we intend to make barricades, and on such a day we intend to march through Dublin Castle. Now he believed those fellows were humbugging, for he thought if they were in earnest they would adopt a very different course. He called on the House not to libel the people of Dublin by wholesale for the folly of a few, and not to brand them all as traitors because a few men among them made traitorous speeches. The people of Dublin were attached to the English connexion, and it would be the fault of the House if they did not continue so. There was one ingredient which it was unnecessary for the Government to put into this Act, "compassing the death of the Sovereign." In no part of her dominions could the life of Her Majesty be more safe than in Ireland. She was enthroned in the hearts and in the affections of her Irish subjects; and no matter what complaint might be made against the Government of the day, there was ever an exception in the mind of every Irishman in favour of the Monarch under whom he had the happiness to live.

Mr. MORGAN J. O'CONNELL observed, that if, as the hon. Member for Dublin asserted, this Bill sought to inflict a wound on Ireland, it was only such a wound as would be inflicted by a skilful surgeon on a patient, in order to remove from him an unsound part. As an Irish representative, and regarding Irish interests above all earthly considerations, he felt it his duty to give this *Bill* his support. The great grievance of which the people of Ireland had a right to complain was, that speeches which no man in that House could stand up to justify—which no man with any character for prudence, he would not say for honesty, because he was afraid there was more honesty than he could wish about those of whom he spoke—were made against all law and order, which practically went unpunished — which so long as they were unpunished, might lead others astray and cause the loss of thousands of lives—it was too much to suppose that men could be allowed to commit in Ireland crimes which would be heavily punished in England. Two months ago he never could have believed that such language could have been uttered by, or have been listened to, by any Irishman, as that which had again and again been repeated very lately in Dublin. The sentiments which were expressed, and he feared applauded, were not mere vague declarations of hostility to England—not mere threats "to march through the Castle of Dublin," and to tear down the English flag, but—and he alluded particularly to one young gentleman—to the statement that the speaker hoped he might not die till he saw Ireland a free and independent Republic. His prayer was, that Providence might grant that gentleman a long and discontented life. He believed our present monarchical institutions were essentially connected with the prosperity of Ireland, more especially with that of the lower orders, and as their sincere well-wisher he would vote for this Bill, which was, he believed, calculated to sustain the monarchy and the empire. He did not think they should be too chary in administering punishment to men who whether, by their writings or by words, incited others to crime. If the law had hitherto dealt lightly with them, there was no reason why it should continue to do so; and if a man who incited another to set fire to his neighbour's corn-stack, was justly liable to undergo the penalties of the law, he saw no reason why he who incited men to treason against the monarchy, and to spread disorder and confusion should be allowed to go scot free.

Mr. GROGAN begged to express his dissent from the view of the Bill taken by his hon. Colleague (Mr. Reynolds), and to express his entire concurrence in that which had been taken by the hon. Member for Kerry (Mr. M. J. O'Connell). A feeling of uncertainty and alarm pervaded all classes of society in Dublin when these treasonable speeches were made; and Bank stock, than which there could be no better or more valuable security, had fallen six per cent within the last few days, while every class of the commercial community was paralysed. It was at this moment, however, that his hon. Colleague thought fit to come forward and oppose this measure, which was introduced by Her Majesty's Government to put an end to such a lamentable state of things.

Mr. W. J. FOX said, it was not at all surprising that in the present discussion on this Bill, it had been made an exclusively Irish question. It was not surprising such had been the case, because the calamities and miseries of that unhappy country must necessarily be an absorbing topic, especially in the minds of those representatives who had been entrusted with the preservation of her rights, and the amelioration of her distresses. But the fact was much to be regretted, because it had drawn away the attention of the House from that portion of the Bill which was most important, to that which was least important. The subject which then occupied the greatest share in their discussions was, as he took it, the part of the Bill which, in matters of treason, provided for the assimilation of the law of Ireland to that of England. To that he saw no reasonable objection whatever. If the peace of Ireland were to be restored, if the Government were to put down sedition and treason, which he might say had been exhibited in a most revolting and disgusting form, it could not be done in a less exceptionable manner than in making the law of Ireland conform to that of England. It was plain that, if the law had not been stringent enough in Ireland, it had been too strict in England; and that if it had been too lax in the one country, it had been too severe in the other. It would appear that in this country, wherein the tendency to treason had never been so strong as in the other, you had, nevertheless, the stronger law against treason, and it could be no hardship to extend that law to the other. To that portion of the Bill, he, like the hon. Member for Montrose (Mr. Hume), felt no objection. But that which, in his eyes, gave to the Bill its peculiar character, was the infringement it proposed upon that liberty of speech which had hitherto been the boast of Englishmen, and one of the great safeguards of our liberties. Once let it become the law of the land that spoken words—not words only tending to the destruction of the Sovereign, and to the promotion of rebellion, but words which may be construed as tending to impair the freedom of discussion in either or both Houses of Parliament, or may be interpreted as tending to overawe their deliberations—may subject the speaker to transportation for seven years, or for life; and it seemed to him that no man whatever would be safe in addressing a public meeting in times of political excitement. It was in such times, when men were roused by some invasion of their privileges, or were stimulated by a strong desire to extend them—when multitudes were gathered together, and when mind and feeling were glowing and ardent with popular aspirations—that it became morally impossible to weigh and measure every word and syllable, so as to stand secure against the misinterpretation of an ignorant reporter, or the perversion of a malignant spy. The excellency of the art of reporting was very great. There were, he knew, some men who, in the exercise of an almost magic power, could give a truthful reflex of the thoughts and expressions of the most impassioned speaker; but they were all liable to mistakes; and those who had had any opportunity of observing such matters, would agree with him in saying that the most truthful and accurate of reporters might make mistakes which seriously affected the sense and meaning of particular passages, especially when taken out of connexion, and subjected to legal as well as literary criticism. He had never in his life found reporters who were at all times proof against mistakes; and least of all was greater accuracy to be expected from the reporters of the police, who might go to meetings with preconceived notions of the speaker's opinions, and perhaps with a disposition to pervert his arguments. No man was safe with such chances against him; and in those times when prosecutions were common for spoken words, law was trampled under foot, and evil days came upon the country. They all knew that most atrocious injustice had been perpetrated under the disguise of the forms of law—honestly it might be—but at all events perpetrated by accusations of this kind against men utterly incapable of speaking words in the meaning, spirit, and tendency ascribed to them, and for which they suffered fine and imprisonment. If this Bill became law, he recommended every person going to a public meeting to write his speech, and to put it into his pocket. But it was not merely misconstruction of words—it was the true and fair construction of them which might sometimes involve the best of men in the meshes of such a law as this. "Spoken language tending to overawe the deliberations of either House of Parliament." What indignant attack on a corrupt or profligate Minister—what honest opposition to an unconstitutional Legislature—could escape such a net as that? He had heard in the times of the Reform agitation, over and over again, language from Gentlemen now hon. Members of that House, and who had become hon. Members of it on account of the fervency and boldness with which they expressed their opinions, which might well have been set down as tending to overawe the Houses of Parliament. Had this Bill then been law, these Gentlemen might have been liable to transportation. And he had heard language which might have been so construed, not merely from them, but from more than one right hon. Gentleman in that House, who were Members of Her Majesty's Government. He trusted that infringement on the acknowledged liberty of the country, that any attack on its best privileges, had not been seriously and deliberately made and introduced by the Government; but they had been led astray by looking to the insane and wicked speeches of Irish demagogues; and that in determining to find a remedy for the mischief of Irish agitation, they had forgotten the more tremendous mischief they were about to bring on this country. It was by public meetings, and by public speaking, the people made their voices heard; it was by those means that public opinion was best elicited. The political writer spoke to people in their homes; his written thoughts fell quietly and without excitement on their minds; they might be read and considered calmly and tranquilly; but it was by public meetings—it was in the collision of mind with mind—it was at the gatherings of those whose advantage and happiness were the object and end of all legitimate and good government—whose well-being was the great triumph for which statesmen and rulers called into exercise the whole force of their intellectual powers and abilities—it was by public meetings alone that public opinion could make itself felt, and it was by such meetings that the people of this country had made their opinions known, felt, and respected. They were more than this. If there was anything in the whole round of our law and practice, more than another, part and parcel of the British constitution, it was the right of the people to assemble in public meeting; and that right was one of the very last portions of the constitution with which they should consent to part. It was in the exercise of that power they found redress for their wrongs—it was thus they claimed privileges denied, while at the same time they found means to show they were not undeserving of them. The feelings which thus found vent were in general worthy of human nature; and though there were miscellaneous assemblages, in public squares, where violent men, accustomed to associate with each other only, and to enter into no conflict of opinions, uttered violent language, these were the exceptional and not the ruling cases. Let them take any fair public meeting in this city, and they would find truth and justice, propriety and moderation, possessing the ascendancy over all the opposite qualities. He had that confidence in human nature which induced him to rely on the native integrity of those assemblies of the people, and often had he seen the working men at them rebuke the use of intemperate language, and become the monitors and reprobators of those in higher stations who should have been their teachers. The lower orders possessed qualities which were, he feared, but little appreciated or understood. He trusted that (whatever measures might be necessary for preserving the peace in Ireland), this liberty which they had so often asserted, might yet be spared to them—this privilege which compensated them but in a degree for inequality of laws, of institutions, and of taxation. The people who suffered the most, still lived in hopes of better times and of more extended prosperity. The noble Lord at the head of the Government seemed to look abroad with feelings only of alarm. He regarded the events with which all Europe rang from side to side—the noble Lord regarded the events on the Continent only as stimulating guilty desires and guilty efforts. A philosophic statesman—a truehearted man—might have seen another feature in these great occurrences, and might have received them otherwise than as stimulating to guilty desires and guilty efforts, which, limited to a small compass, could easily be dealt with, and, by the strong arm of power be crushed in the dust. Public opinion would go in glad response with such an act as that. But the events which the noble Lord considered as stimulating to guilty desires and guilty efforts, stimulated as well to acts and efforts which were noble and honourable. Among those honourable desires and honourable efforts was the desire on the part of the working classes of this country—who had far more intelligence and far higher morality than he feared they had credit given them for—among the honourable desires which the events on the Continent had naturally and inevitably raised in the minds of the working classes of this country, was the desire of obtaining for themselves a political *status*—of being themselves free, while they heard the shouts of the world around them, rejoicing at their newly-gained freedom—of making a way for themselves by peaceful and constitutional means—which were the only means the great body of the working classes wished to employ—for the attainment of political advantages; and upon such desires, such pursuits, and such efforts, the noble Lord, he thought, might have looked a little more benignantly; he might, he conceived, have spared some gracious words for them while he administered a stern rebuke to others; and, in connexion with a law relating to offences and crimes, to pains and penalties, he might have intermixed a promise and a hope that those who entertained the honourable desires to which he had referred, might soon be enabled to share in the extension of the liberty which the world was now gaining. In the attainment and in the appreciation of those advantages—which the people must and would obtain before a long period elapsed—the noble Lord would have found a better Bill, a more perfect enactment, a living "law written in the heart," for the security of Her Majesty's Crown and Government.

LORD J. RUSSELL: The hon. Gentleman, who spoke so ably in the introduction of his address, has, I think, so far erred, that he has not waited to see the Bill, or to judge of the terms in which it is framed, before he passed a censure upon the proposition of my right hon. Friend. The hon. Gentleman spoke, and spoke very naturally, of the danger of affixing a heavy punishment to spoken words—words, it may be, spoken in heat and without premeditation. But when the hon. Gentleman goes on to say that we propose a too heavy punishment for words which may have been intended to overawe the Houses of Parliament, I think he has judged without seeing the Bill which we propose to bring in, and without knowing what its contents may be. It appears to me to be a totally different thing to condemn a man for speaking words which may of themselves be violent, or mischievous, or seditious, and to condemn a man for speaking words which have for their object either to depose the Sovereign of the realm, to excite to the levying of war, or to induce persons to apply for aid from foreign countries for the purpose of levying war. Now, this, as I understand, without reference to spoken words, but with reference to public writings, was the meaning of the Act of 1796. It enumerates various particulars, such as exciting persons to levy war for the purpose of imposing restraints upon the Sovereign, for the purpose of inducing the Sovereign to change his measures, and for the purpose of overawing and intimidating the Houses of Parliament. These are circumstances which are mentioned in that Act; but the action itself which is condemned is the using spoken words or publishing writings for the purpose of exciting persons to levy war. The levying war is a different thing from those offences which are vague and undefined. The offence of overawing the Houses of Parliament must be admitted to be of great danger and abuse; but the direct excitement to levy war against the Sovereign, whether that war be for the purpose of imposing personal restraint upon the Sovereign, or whether it be for the purpose of overawing Parliament, the excitement to levy war is of itself a grave and substantive offence; and yet the hon. Gentleman, in his description of the Bill, has either from ignorance or misapprehension entirely omitted the crime of the levying of war as forming any part of the measure. I hope, therefore, the hon. Gentleman will so far suspend his judgment, that he will not entirely upon a misapprehension condemn this part of the Bill; but that he will wait until he sees the Bill before he passes his final judgment upon it. I admit that there is danger in extending penalties of this kind to words spoken; but at the same time we have to consider that the penalty of high treason has frequently been awarded for words spoken—often a very few words—when they were supposed to express treasonable sentiments. At the present time—especially of late—instead of secret conspiracies and counsels in the dark to overthrow the monarchy, it has become a common means of compassing treason to address speeches to large masses of people, and to use words exciting to the levying of war and to the use of arms for the purpose of overbearing all legitimate authority in the country, and thereby of compassing mischievous and dangerous ends. When the mode of overturning the Government is changed, it is necessary to change the punishment. It is, I think, far better to apply the punishment of felony for this offence, than to make the Act in all respects like the Act of 1796, which applies the penalties of high treason to it. It may be argued that the punishment is still very severe; but I must say, I cannot help feeling that this excitement to levy war, which may actually result in levying war, and which was punished with death under the laws of Edward III., is really very lightly dealt with, considering the serious nature of the crime, and the condign punishment which might otherwise be inflicted. I will, however, not continue an argument on this subject until the House has had an opportunity of seeing this Bill. The hon. Gentleman who last spoke, has said that the only allusion I made to the events which have taken place on the Continent was—to repeat the words I used—to the existence of "guilty hopes and guilty desires." The hon. Gentleman will have the goodness to recollect that I used those words in speaking of attempts which I thought might be made to disturb the peace of this metropolis, and not whilst giving my general opinion in respect to events which have taken place on the continent of Europe. It would not have been becoming in me, as I thought, upon this occasion, to enter into any comment upon those events; but, as the hon. Gentleman has so far misunderstood me, I must say, that whilst my feeling from the contemplation of those events is, I confess, of a mixed character, I cannot but rejoice in any part of those events which gives to nations who have not hitherto had the benefit of a national representation, political liberty, and a free press—those inestimable benefits. I do not now wish to distinguish—I think I should be liable to much misrepresentation if I did—between the parts of those events which cannot but be viewed with joy by every Englishman, and such parts of those events as are likely to give rise to apprehension. I trust that the final issue of those events may be increased liberty to the Continent. I cannot well, I think, have been so long a Member of the House of Commons of this country—I cannot have been a subject of these realms, without being delighted to see those benefits which this country has so long enjoyed extended to other countries of Europe. But when the hon. Gentleman speaks of the benefits that are to be derived to this country, and the honourable designs which are entertained in consequence of those events, I must say that much of what has been done on the Continent, much of what has been struggled for and earned at the expense of bloodshed—at the expense of civil conflicts—at the expense of the suspension of trade and industry—much of what has been thus obtained at an enormous cost, and by enormous sacrifices, but not too dearly, has been long enjoyed by the favoured people of this country. When, therefore, I am told that the people of this country have much to encourage them in what has taken place upon the continent of Europe, I say our position is such that, more than one hundred and fifty years ago, not only those articles of constitutional right which others may prize were obtained, but the foundations were laid for other benefits and other advantages, which were to be gained in the gradual progress of human society—as the light of literature—as the information of public opinion—as the advancing humanity of mankind taught men better how to prize and how to secure the advantages of equal rights and of common civilisation. I do say, therefore, Sir, that with respect to our progress in late years, and our progress in future years, I think that, having obtained by a free press, by public discussion—which I do not believe this Bill will impair—and by Parliamentary representation, the means of improving all those blessings, we have no need to enter on any bloody or doubtful struggle; but we may rely on the constant and peaceful progress of human affairs, and upon the advantages which I am glad to see gained of increased liberty, for a steady and continual advance towards perfection.

The House divided:—Ayes 283; Noes 24: Majority 259.

List of the AYES.

Abdy, T. N.
Adair, R. A. S.
Adderley, C. B.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anson, Visct.
Arkwright, G.
Armstrong, Sir A.
Arundel and Surrey, Earl of
Bailey, J. jun.
Baldock, E. H.
Baldwin, C. B.
Barkly, H.
Barnard, E. G.
Bateson, T.
Bellew, R. M.
Bentinck, Lord G.
Bernal, R.
Bernard, Visct.
Blackall, S. W.
Boldero, H. G.
Bouverie, hon. E. P.
Bowles, Adm.
Brackley, Visct.
Bramston, T. W.
Bremridge, R.
Broadley, H.
Brockman, E. D.
Brotherton, J.
Brown, H.
Buck, L. W.
Buller, C.
Bunbury, E. H.
Busfeild, W.
Campbell, hon. W. F.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Castlereagh, Visct.
Chaplin, W. J.
Childers, J. W.
Christy, S.
Clay, J.
Clay, Sir W.
Clerk, right hon. Sir G.
Clifford, H. M.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Corry, rt. hon. H. L.
Cowan, C.
Cowper, hon. W. F.
Craig, W. G.
Cripps, W.
Currie, H.
Davies, D. A. S.
Dawson, hon. T. V.
Denison, J. E.
D'Eyncourt, rt. hn. C. T.
Disraeli, B.
Dod, J. W.
Douglas, Sir C. E.
Drummond, H.
Drummond, H. H.
Duff, G. S.
Duncan, G.
Duncuft, J.
Dundas, Sir D.
Dundas, G.
Dunne, F. P.
Du Pre, C. G.
Ebrington, Visct.
Edwards, H.
Egerton, Sir P.
Ellice, rt. hon. E.
Elliot, hon. J. E.
Evans, W.
Ewart, W.
Farrer, J.
Fergus, J.
Ferguson, Sir R. A.
Filmer, Sir E.
FitzPatrick, rt. hn. J. W.
Fordyce, A. D.
Forster, M.
Fortescue, C.
French, F.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Glyn, G. C.
Grace, O. D. J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.

Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Guest, Sir J.
Haggitt, F. R.
Hale, R. B.
Hallyburton, Lord J. F.
Hamilton, G. A.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayes, Sir E.
Hayter, W. G.
Headlam, T. E.
Heathcoat, J.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, J. W.
Henry, A.
Herries, rt. hon. J. C.
Heywood, J.
Hildyard, R. C.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hogg, Sir J. W.
Hope, Sir J.
Hope, H. T.
Hope, A.
Horsman, E.
Hotham, Lord
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Hudson, G.
Hutt, W.
Jackson, W.
Jervis, Sir J.
Jones, Capt.
Keogh, W.
Keppel, hon. G. T.
Ker, R.
Knox, Col.
Lascelles, hon. W. S.
Law, hon. C. E.
Lemon, Sir C.
Lennard, T. B.
Lewis, G. C.
Lincoln, Earl of
Littleton, hon. E. R.
Locke, J.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lushington, C.
Mackenzie, W. F.
Macnamara, Maj.
M'Gregor, J.
M'Naghten, Sir E.
M'Neill, D.
Magan, W. H.
Mahon, The O'Gorman
Marshall, W.
Mastin, J.
Masterman, J.
Maule, rt. hon. F.
Maxwell, hon. J. P.
Mitchell, T. A.
Moffatt, G.
Monsell, W.
Moody, C. A.
Morgan, O.
Morpeth, Visct.
Morison, Gen.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mundy, E. M.
Muntz, G. F.
Napier, J.
Neeld, J.
Newry & Morne, Visct.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Lord
O'Brien, Sir L.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Osborne, R.
Oswald, A.
Packe, C. W.
Paget, Lord A.
Palmer, R.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, right hon. Sir R.
Peel, Col.
Perfect, R.
Philips, Sir G. R.
Pigot, Sir R.
Pigott, F.
Pilkington, J.
Plowden, W. H. C.
Price, Sir R.
Pugh, D.
Pusey, P.
Raphael, A.
Rawdon, Col.
Rendlesham, Lord
Repton, G. W. J.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, J.
Rushout, Capt.
Russell, Lord J.
Rutherfurd, A.
Sadlier, J.
St. George, C.
Sandars, G.
Scholefield, W.
Scott, hon. F.
Scrope, G. P.
Seaham, Visct.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Sibthorp, Col.
Sidney, Ald.
Simeon, J.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smyth, J. G.
Somerset, Capt.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stephenson, R.
Stuart, Lord D.
Sutton, J. H. M.
Talbot, C. R. M.
Tenison, E. K.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Aldm.
Thornely, T.
Tollemache, J.
Trelawny, J. S.
Trollope, Sir J.
Turner, G. J.
Tynte, Col. C. K.
Tyrell, Sir J. T.
Vivian, J. E.
Vivian, J. H.
Walsh, Sir J. B.
Ward, H. G.
Wawn, J. T.
Wellesley, Lord C.
West, F. R.
Westhead, J. P.
Williamson, Sir H.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.
Wyvill, M.
Yorke, H. G. R.
Young, Sir J.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Blewitt, R. J.
Bowring, Dr.
Callaghan, D.
Devereux, J. T.
Fagan, W.
Fox, R. M.
Fox, W. J.
Gardner, R.
Grattan, H.
Greene, J.
Hume, J.
Kershaw, J.
Meagher, T.
Mowatt, F.
Power, Dr.
Reynolds, J.
Scully, F.
Smith, J. B.
Sullivan, M.
Thompson, Col.
Thompson, G.
Wakley, T.
Walmsley, Sir J.
Williams, J.

TELLERS.

O'Connor, F.
O'Connell, J.

LANDLORD AND TENANT (IRELAND) BILL.

SIR W. SOMERVILLE said, in moving that the Bill be read a Second Time, it was not his intention to make any observations. If the House allowed it to be read a second time, it was his intention, in accordance with a very generally expressed wish on the part of the Irish Members, to propose that it be referred to a Select Committee.

MR. OSBORNE wished to say a few words on the Bill before it was read a second time. A Bill had already been brought in, which he must guard himself by saying that he only voted for on the understanding that he should have an unfettered discretion in discussing the clauses in the Committee; and he believed that many other Members had only voted for it with the same intention. No Bill connected with Ireland had ever been looked for with greater anxiety than that for the improvement of the relations between landlord and tenant. It had been well remarked, that the subject was surrounded with difficulties. A measure more calculated to involve Ireland in the meshes of the law—more calculated to create discontent amongst both landlords and tenants, had never been introduced by Her Majesty's Government. What was required in Ireland was a measure to facilitate a free sale in the article of land. The Government should bring in a Bill to allow entailed estates to be sold, and to give security to titles. What was wanted in Ireland was not so much political reform as social regeneration; and unless the Government were prepared to bring in a Bill to "loosen" the land, all their present measures would be labour in vain.

MR. SADLIER said, there were two or three classes of landlords in Ireland. There were those who held by inheritance —a small number probably, not more than 8,000; and amongst those the griping, grinding landlord was the exception and not the rule. Another body, and a much more numerous one, were those who derived their interest under leases for lives renewable for ever; and amongst those the tyrannical landlord was the exception and not the rule. Then there were the middlemen, who held a very precarious tenure; and they were the worst class. He feared that the majority of that class of landlords known in Ireland as middlemen were highly objectionable, and that their example was such as could not, with safety or propriety, be followed. With respect to the Bill now under consideration, he would observe, that he thought it was highly desirable that a special instruction should be given to the Select Committee to whom it was to be referred to consider whether it was not possible to entirely do away with the statutory enactments which at present regulated the relation of landlord and tenant in Ireland, and to substitute in their place a speedy, simple, and economical system, whereby the right of the landlord to the possession of the land, and to the rent which the tenant had contracted to pay him, should be declared and secured.

MR. MONSELL: The Bill having failed in its present state to give satisfaction to any class in Ireland, it was right that the Irish people should be given to understand that the House, in now acceding to the proposal that it be read a second time, did not mean thereby to express their approval of the measure. He, for one, did not hesitate to say that his only reason for consenting to the second reading was, that it was intended to refer the Bill to a Select Committee, by whom he hoped that it would be so completely altered that its parents should not be able to recognise it when it again made its appearance in that House.

The EARL of LINCOLN did not mean at that moment to enter into any discussion on the details of the Bill. If the Bill had been proposed for second reading on the customary understanding that its provisions should be subsequently considered in a Committee of the whole House, he should have offered some remarks on it, and pointed out in what respects he believed it to be impracticable, and in what respects inexpedient. However, the proposal which had now emanated from the Government, that the Bill should be referred to a Select Committee—a proposal which he believed to be nothing more nor less than a contrivance for decently interring the measure—superseded the necessity of indulging in any such line of observation. He did not pretend to any singular gift of prophecy, but he nevertheless would not hesitate to predict that, if the Bill, with all its various provisions, were referred, as proposed, to a Select Committee, it would never again return to the House of Commons. He felt bound to protest against the course taken by the Government with respect to this question. The Government were not acting fairly by that House or by Ireland in the course they were adopting. He did not know, whether they were acting in conformity with the suggestions of Irish Members; but be that as it might, it was, at all events, certain that they were not doing justice to the vast importance of the question at issue, by referring the Bill to a Select Committee. The proceeding, however, was in strict conformity with the policy theretofore adopted by the Government, who seemed determined to abdicate the functions of their office, and to deliver over all necessary measures of legislation to a body of some fifteen or sixteen Gentlemen. Already the Bank Charter Act, the Estimates, the Budget, and the management of one entire department of the Government, had been referred to Select Committees; and now, because another Government measure affecting a question which had been for years before the House had been disapproved of by all parties, the suggestion was, not to withdraw the obnoxious Bill, but to refer it to a Select Committee. Did the Government intend to adhere to the Bill, or did they not? If they had arrived at the conclusion that it was impracticable, impolitic, and not suited to its purpose, it was due to the House—it was due to Ireland—it was due to the great importance of the question involved—that they should withdraw the measure altogether, and either totally abandon the idea of legislating on the subject, or endeavour to legislate in a new spirit, and according to a new form. If, on the other hand, Government was resolved to persevere with the Bill, being convinced that its provisions were salutary, and that it was in all respects suited to its purpose, instead of sending it to a Select Committee, they ought, according to customary form, to submit it to the consideration of a Committee of the whole House, before whom they ought to maintain its provisions *seriatim.* It would be in the recollection of the House, how often taunts were thrown out against the Government, of which he had had the honour of being a Member, that they vacillated and hesitated with respect to this question, because the right hon. Baronet at the head of the Government had been of opinion that it was right to appoint a Commission of five practical and able Irish Gentlemen to inquire into the matter, and to report to that House. They were told that there was no necessity for that Commission, for that the question was quite ripe for legislation. The Commission, however, was appointed. It reported, and as soon as was practicable after the presentation of its report, a measure was brought in by the Government of that day to improve the relation of landlord and tenant in Ireland. That Bill, which was unfortunately laid upon the table of the other House at so late a period that it was not found practicable to proceed with it, was transferred to the new Government, who withdrew it. The whole of last Session had passed away without any legislation on so vital a question having been attempted. The present Government had now been two years in office. They had had ample opportunity of leisure to consider the subject, and to mature their legislation, and the time had now most assuredly arrived when they should either maintain the measure they had introduced, or notify their intention of altogether abandoning the idea of legislating on the matter.

Sir G. GREY: Nobody ought to be a better authority on the difficulty of legislating on such a subject as the present than the noble Lord. He had referred to the Commission which had been appointed by the Government, of which he was himself a Member, to inquire into the whole question of landlord and tenant in Ireland; but the noble Lord should forgive him for expressing a doubt whether, however honest might have been the intention of those who proposed that Commission, any beneficial result whatever had followed from it. All that it appeared to have done was to accumulate and lay before the House a mass of conflicting evidence, which tended rather to bewilder than enlighten those who directed their attention to the subject. The noble Lord had stated, that no sooner was the report of the Commission before Parliament, than with a remarkable promptitude, which he contrasted invidiously with the tardiness of the present Government, there was laid upon the table of the other House a Bill, with respect to which all he could say was, that being presented at a late period of the Session there was not time to consider its provisions. The Bill in question was not presented at so late a period as the noble Lord seemed to imagine; but the fact was, that it had to encounter so decisive an opposition from all sides of the House of Lords, that it became evident to the Government that their only prospect—he would not say of "decently interring the measure," but of disposing of it—was to do what he now condemned the present Government for doing, namely, to refer it to a Select Committee. To a Select Committee it was accordingly referred, and that Committee did most effectively perform the duty of an undertaker with respect to it; for from that day to this it had never once made its appearance in that House. [Mr. B. Osborne: That was Lord Stanley's Bill.] It was Lord Stanley's Bill; but the noble Lord (Lord Lincoln) was the First Commissioner of Woods and Forests in the same Government with Lord Stanley; and when the hon. Gentleman (Mr. Osborne) came to be in a Government, he would find that every Member of the Administration was held responsible for measures introduced under their sanction. He did not impute to the noble Lord an intentional mis-statement of the circumstances to which he had referred, but he thought the noble Lord must have forgotten the circumstances of the case. He knew that the noble Lord was animated by the most friendly feelings towards Ireland, and he was no doubt anxious to promote a really beneficial measure for that country; but, perhaps, he might be permitted to say that the Bill which the late Government brought in the year they left office contained all the clauses which were to be found in the present Bill with regard to arbitration and notices, and all the complicated machinery that constituted the main objections to the present measure. He admitted that there were objections to the Bill, and they were such as he should gladly see avoided. The Bill had undergone the best consideration that could be given to it; but he was perfectly prepared to admit that great difficulties lay in the way of a thorough adjustment of the question. The Government had not adopted the measure till after communications with persons in Ireland best acquainted with the subject, and their advice taken as to what would be most conducive to the object sought to be attained. It was proper, also, he should state that the Lord Lieutenant had expressed an earnest desire that the Bill should be considered by a Select Committee; and it was known to the House that in making the proposal that it be sent to a Committee, the Government were consulting the wishes of the Irish Members. He hoped there was no danger of its being "decently interred" by that Committee, but that it would receive such amendment as would make it acceptable to the House. If the Bill, however, was thought by the Irish Members to be one not suited to the circumstances of the country, the Government would not force it upon them; and but for the wish expressed by them he would have been ready to discuss the Bill on its second reading now, instead of sending it to a Select Committee upstairs.

COLONEL DUNNE said, if there was any fault in recommending that the Bill should be sent to a Select Committee, he shared in it. This was the recommendation of other Irish Members, and of a deputation sent from Ireland. If the Government, therefore, had taken a blameable course, the majority of the Irish Members partook of the blame. He knew it would be a difficult subject for a Committee.

CAPTAIN JONES said, the right hon. Baronet had admitted the objection he entertained to the Bill, namely, as to its machinery, which would involve parties in endless litigation.

SIR W. VERNER was so convinced that the Bill would not come out of the Committee so deprived of its objectionable parts as to be satisfactory to the people of Ireland, that he should move that it be read a second time that day six months.

MR. KEOGH seconded this Amendment. When the Bill was introduced to the House, it was extraordinary that the right hon. Baronet did not express an opinion favourable to the principle of the measure; he plunged at once into the details, but did not say he considered it suited to the emergencies of Ireland. He (Mr. Keogh) thought the Bill, by its machinery, was calculated to inflict upon the country a great amount of evil, and it was because he considered that it would cause so much litigation that he opposed the Bill. He did not think it was dealing fairly to refer the Bill to a Committee. The Bill to which the noble Lord (the Earl of Lincoln) alluded was not referred to a Select Committee. That Bill was proceeded with as far as the noble Lord could; but the present Government did not consider it expedient to go on with that Bill, and promised to introduce another. The hon. Member for Rochdale then introduced his Bill; but the Government said they would bring in a Bill. Two years had passed, and now, at this period of the Session, having promised at the commencement that remedial measures for Ireland should be proposed, and that a Landlord and Tenant Bill should be one, the House was now told that this Bill was similar in principle to the Bill of the noble Lord, and that the Government could do nothing more than refer it to a Select Committee. [Sir G. GREY: That was at the request of the Members for Ireland.] He was sorry that the right hon. Baronet had been led to misapprehend what he had said. He wished it to be understood that, as an Irish Member, he knew of no such representations as had that night been made; he knew of no one entitled to represent himself as representing the Irish Members in that House; but, of course, every Irish representative was entitled to communicate his impression of the state of opinion in the part of the United Kingdom which sent him to that House. Now, he did not believe that the people of Ireland had the least wish for any Bill of this kind. As to sending it before a Select Committee, he saw no reason for taking any such course as that; and he did not doubt that its effect would be to defeat the measure wholly. He could not help remarking, that he had heard no proposition for reading the Bill a second time in the usual way, with a view to its being considered by a Committee of the whole House; and though he was but little acquainted with the forms or the practice of that House, it did strike his mind as extraordinary, that the Chief Secretary for Ireland should lay a Bill upon the table of that House without making any remark whatever. As the House had heard nothing from that right hon. Baronet on the subject, it could not be expected that other Members of that House would be prepared to go into the details of the measure; but whenever the Bill came to be fairly and fully discussed, he should be prepared to show that it was vicious in principle, and so impracticable in its details, that he did not believe it could ever be practically carried out. There was scarcely any intelligent or dispassionate person from one end of the kingdom to the other who did not join in condemning the Bill. The House should remember that this Bill was opposed to the opinions of the men of the north—the most industrious and the most prosperous portion of Ireland; and he would add, too, the most loyal and the most attached to British connexion—men more ready to act than to talk. He again protested against the measure, saying that he should not discharge the duty that he owed to his constituents if he did not thus emphatically oppose the proposed Bill.

Mr. MORGAN J. O'CONNELL said, that the speech which the House had just heard seemed to him a specimen of *nisi prius* pleading. Considered as an attempt against the Bill, he regarded the speech of his hon. and learned Friend as a complete failure. It was impossible for any one who spoke after him not to call the attention of the House to the fact that his hon. Friend never once stated any principle on which the Bill had been objected to. He told the House of its unpopularity; but he did not tell them anything about the grounds of its unpopularity, or whether he did or did not concur in the views of his opponents. His hon. and learned Friend seemed to object to all legislation on the subject. As to his own view of the question, he did not want to see compensation granted for mere occupancy; but he thought it ought to be received by a tenant on account of substantial improvements. It was to be regretted that the Bill, which had been prepared some time ago on the subject, had been delayed by the illness of Lord Besborough, and eventually abandoned in consequence of the fatal and much lamented termination of that illness; and he hoped, whatever legislation there might be on the subject, that it would be brought to maturity as little as possible under the influence of members of the legal profession. He hoped the House would not agree to the Motion of the hon. and gallant Member for Armagh, for he believed that nothing would have a greater tendency to disturb the peace of Ireland than the summary rejection of this measure.

The Earl of LINCOLN observed, that on the same ground on which he opposed the reference of this Bill to a Select Committee, he would feel bound to oppose the Motion of his hon. and gallant Friend (Sir W. Verner). He opposed the reference of this Bill to a Select Committee, because he sincerely wished to see good legislation on this important subject; and on the same ground he would oppose the Motion for the postponing the second reading, because he considered that if they did not legislate on the question during this Session, the probability was that they would never legislate upon it at all. He maintained, notwithstanding the taunts of the right hon. Baronet opposite (Sir G. Grey), that the reference of the Bill to a Select Committee would be a virtual abandonment of the measure. He (the Earl of Lincoln) had himself introduced a measure on this subject; and he candidly admitted the truth of the statement which had been made, that the machinery by which he had proposed to carry out that measure was in some respects objectionable. But he only objected to those provisions of the Bill now before the House which were entirely new; he did not complain of those provisions which had been taken from his own Bill, and, therefore, his opposition to this measure was perfectly consistent. His object was to protect the rights of property, and to simplify the machinery by which it was proposed to carry out the provisions of this Bill.

Mr. AGLIONBY said, that though he doubted the expediency of such a measure as that before the House, he should not oppose the second reading of the Bill, because he believed the Government had brought it forward in accordance with what they believed to be the wishes of the great majority of the Irish Members. He must say, however, that he thought the Bill in its present shape proposed very mischievous interference between landlords and tenants; and he considered it most desirable that it should be referred to a Select Committee.

Mr. GROGAN was opposed to the Bill. He thought it unjust to Ireland to introduce there a system of interference with the contracts between landlord and tenant that was not applicable and found to work in this country. He was anxious to see the question involved in this Bill fairly and finally settled by well-considered legislation; he was quite against this eternal tampering with the relation between landlord and tenant; but he did not think the mode proposed was right. If the Bill must go to a Committee at all, he should prefer a Select Committee.

Mr. G. A. HAMILTON said, he hoped his hon. and gallant Friend (Sir W. Verner) would not press his Amendment to a division: the question before the House, on the second reading, was the principle of the Bill only, and the principle was to be found in the preamble. The preamble states, that "it is expedient to amend the law of landlord and tenant, and to provide compensation for tenants making permanent improvement." Now, although, in his opinion, there was much that was objectionable in the Bill, and though he would be unwilling, in any way, to pledge himself to its details, yet several Bills having been introduced on the subject, and all of them having been read a second time, he thought it would be neither fair, nor just, nor expedient, to reject this Bill on the second reading. No one knew better than he (Mr. Hamilton) did the difficulties connected with any attempt at legislation on this subject; and, perhaps, it was impossible to frame any measure which could be free from those difficulties. But he thought, on the whole, it would be better to refer the Bill to a Select Committee; and after it came from that Committee, they would have the opportunity of considering its details in a Committee of the whole House. At all events, he felt sure that the time was come when they should either legislate on the subject, or else all attempts at legislation should be abandoned.

Amendment withdrawn.

Bill read a second time.

Ordered to be referred to a Select Committee.

House adjourned at a quarter-past One o'clock.

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HOUSE OF LORDS,

Monday, April 10, 1848.

Minutes.] *Took the Oaths.*—The Viscount St. Vincent.
Public Bills.—1^{a} Mutiny; Marine Mutiny.
3^{a} and passed;—Property Tax.
Petitions Presented. From Schull, for the Imposition of the Severest Penalties on all Roman Catholic Priests who shall Denounce Persons from the Altar.—From Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for the Extension of the Provisions of the Benefit Societies Act to that Order.—From Downpatrick, for the Re-enactment of the Anti-Procession Law.

THE MEETING AT KENNINGTON COMMON.

In answer to a question from the Marquess of Northampton,

The **Marquess of LANSDOWNE** said: The noble Marquess has put a question to me with respect to certain prooceedings which had been announced for to-day, and which had undoubtedly the effect of greatly alarming many persons. I am happy to inform my noble Friend, that, at least now, there is no reason whatever for such alarm. The meeting which was attempted to be held on Kennington Common today was dispersed by the police only, without the assistance, or even the presence, of a single soldier. It was dispersed without bloodshed, and under circumstances that render any renewal of the attempt in the highest degree improbable. The petition which has been the subject of the meeting that had occasioned so much alarm and consternation has been brought in the quietest manner—I believe in cabs hired for the purpose—to the other House of Parliament, where it has been received, and whither it was conveyed without any obstruction whatever. It is equally a satisfaction to me to know that there has been no interference with the unquestionable right of petition which belongs to all classes of Her Majesty's subjects, but which, I must add, should always be exercised in a constitutional manner.

Lord BROUGHAM: My Lords, there is no one can rejoice more than I do at the gratifying account which the noble Marquess has been able to give. I agree with him that it is most important for the peace of the country, as well as for the liberty of the subject—for the rights of the Crown as well as of the people—that the unquestionably all-important right of petition should be as little as may be, and unless where absolute necessity requires it, ever interfered with. And, my Lords, I hold the right of public meeting for discussion to stand in the same position, and on the same grounds. But I hold it to be an absolutely essential condition to the exercise of that right, and to its existence as a matter of right, that the meeting should be for discussion alone. Wherever it is a mere assemblage of numbers, too large for any possibility of discussion, it becomes an assemblage of numbers merely for the display of physical force, and can only have the intention of overawing the Government, and of forcing measures on the Government and on the Parliament. If people have a right to a display of force, they can only have the right when that force is called for by the Government of the country, under the sanction of the Parliament of the country. Therefore, I have ever held that those meetings that are called, whether in England or in Ireland, "monster meetings," are, in themselves, essentially illegal. They are mere exhibitions of physical force, and it is only by a perversion of language that they can be affected or pretended to be meetings for that which becomes an impossibility at them—discussion. All never dream of speaking; but all, if they do not dream of acting, place themselves in a position that, without any will or intention of their own, they may be driven, before they know it, into illegal courses. And this is the view which I, and those with whom I had the honour of acting in the other House of Parliament, openly held on the occasion of the great assemblage in Manchester, in August, I think it was, 1819. We disapproved loudly, and, as far as we were concerned, unanimously, of the conduct of the Government on that occasion; but the late Lord Abinger and myself, then in opposition to the Government, avowed unhesitatingly that the meeting itself was, nevertheless, not a lawful meeting.

The Duke of WELLINGTON: I firmly believe, my Lords, that the speech of my noble Friend is founded on the law of the country as it exists, and I hope that it will be so understood by the public; for I do think no great society has ever suffered such a grievance as this metropolis has suffered within the last few days from the error of this great meeting which was to have consisted, it was said, of 200,000 persons. God knows how many thousands really did attend; but still the effect was to place all the inhabitants of the metropolis under alarm, paralysing all trade and business of every description, and driving individuals to seek for safety by arming themselves for the protection of the lives of themselves and of their neighbours, and for the security of their property. The inconveniencies which were experienced this day, have been now repeated for, I believe, a fourth time in this short Session of Parliament. I trust that by the Bill which is now pending in the other House of Parliament, or by other measures that may be considered necessary, the law shall be explained and understood, so that meetings may be limited to the numbers that can properly discuss the questions that are to be considered by the individuals who think proper to discuss them; and that a great metropolis such as this is—the mart of trade and of commercial credit—shall not be disturbed week after week by such transactions as have been going on around us for the last few days. If any men concert—I will not say conspire—together for the purpose of getting up such large meetings in such a town as this is, the consequence must be, to place all the inhabitants under arms, thus taking them away from their common business, in order to defend themselves, their neighbours, and their property. I cannot hesitate to express my gratification at hearing from my noble Friend that this meeting to-day has been dispersed entirely by the efforts of the police, and without the aid of a single soldier being required. At the same time I must say, on the part of the department with which I am connected, that we were quite prepared, if necessity required it, to give any support that the preservation of the law and safety of the country might call for.

The Marquess of NORTHAMPTON said, that he had heard with great satisfaction the explanation given by the noble Marquess; and he begged to express on the part of the country his sense of the admirable precautions adopted by Her Majesty's Government. He thought that much praise was due to the middle classes of London for the spirit of order, religion, and morality, which they had displayed throughout these proceedings. As long as that spirit prevailed, and while the people of England showed such a disposition to do their duty as good and loyal subjects, there was no danger of the peace and comfort which the British people enjoyed being disturbed, no matter what distress and disorder might prevail in other countries.

The Marquess of LANSDOWNE begged to add, that Her Majesty's Government had received the most unequivocal support from the great body of the people, not only in the metropolis, but in all the neighbouring parts of the country. All showed themselves ready to make the greatest sacrifices, if necessary, in support of law and order. And he would say, that if there was any circumstance which had imparted to Her Majesty's Government more than another that degree of confidence which they possessed, and which was necessary, in order to enable them to act as they had done, it was the certainty which they had acquired within the last eight and forty hours, that there was no class on whom they might have occasion to call for support from whom they would not have received it.

The **Marquess of LONDONDERRY** said, that if there were any repetition of the proceedings of the past week, he hoped the Government would direct their attention to the large number of foreigners who were at present in this country.

House adjourned.

HOUSE OF COMMONS,

Monday, April 10, 1848.

Minutes.] New Member Sworn.—For Carlisle, Philip Henry Howard, Esq.

Public Bills.—2° Crown and Government Security.

Reported.—Crown and Government Security.

3° and passed:—Marine Mutiny; Mutiny.

Petitions Presented. By Captain Pechell, from Brighton, for Reform in the Representative System.—By Mr. Bright, and other Hon. Members, from several Places, for the Adoption of Universal Suffrage.—From Devizes, in favour of the Jewish Disabilities Bill.—By Mr. Cowan, from Edinburgh, for the Better Observance of the Lord's Day.—By Viscount Adare, from Cardiff, against the Roman Catholic Charitable Trusts Bill.—By Mr. Serjeant Talfourd, and other Hon. Members, from various Places, for Repeal of the Duty on Attorneys' Certificates.—By Mr. J. Evans, from Members of the Independent Order of Odd Fellows, Manchester Unity, of Haverfordwest, for Extension of the Benefit Societies Act to that Order.—By Messrs. Hume, Wakley, and W. J. Fox, against the Crown and Government Security Bill.—By several Hon. Members, from various Places, against the Diplomatic Relations, Court of Rome, Bill.—By Sir R. H. Inglis, from Protestants of Wexford, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Mr. Bond Cabbell, from Westminster, for Discontinuing Interment in Towns, and for Sanitary Regulations.—By Mr. S. Crawford, from several Places in Ireland, against the Landlord and Tenant (Ireland) Bill.—By Viscount Drumlanrig, from Penpont, and Mr. Fergus, from Fife, for the Improvement of Parochial Schools (Scotland).—By Mr. Beckett, from York, in favour of the Public Health Bill; and by Viscount Ebrington, from James Baxter, and Colonel Thompson, from Bradford, for Alteration of the same.—By Mr. Fordyce, from Aberdeen, and Mr. P. Howard, from Carlisle, for the Abolition of the Punishment of Death.—By Mr. W. Morison, from Dunfermline, for Ameliorating the Condition of Schoolmasters (Scotland).

CROWN AND GOVERNMENT SECURITY BILL.

Sir G. GREY moved the Second Reading of the Crown and Government Security Bill.

Mr. SMITH O'BRIEN: I do not rise, Sir, for the purpose of entering at length into the details of this Bill. I care very little about those details. I see in this measure a new attempt to meet the claims of Ireland by coercion rather than by conciliation; and it is in that view rather than upon any technical form that I oppose it. I can assure the House, in all solemnity, that I do believe this attempt which you are now making to coerce the people of Ireland will be utterly futile. The people will laugh at your attempts to indict a nation. Be that as it may, I have a duty to perform, and from the performance of that duty I shall not shrink. In the year 1842, before I joined the Repeal Association, I felt it my duty to make a last appeal in this House, asking from them what was then called "justice to Ireland"—that is, a series of measures calculated to give satisfaction to the Irish people consistent with the maintenance of the Union between the two countries. You refused that appeal—an appeal not only made by so humble an individual as myself, but by a very considerable portion of the nation of which I am one of the representatives. You have now one other opportunity of meeting the demands of that nation by yielding to their claims for a separate Legislature—for the principle of self-government as under the ancient constitution of Ireland, by Queen, Lords, and Commons. I am here to tell you to-night that I sincerely believe, if you refuse those claims during the present year, you will have to encounter the chance of a republic in Ireland. Unlike all the other Governments of Europe, the liberal Government of England, instead of attempting to pacify the country with which they are most closely connected by timely concessions, meet the demands of the people by prosecutions and by coercive laws; and this at a moment when your Foreign Minister is giving his countenance to the efforts of every other people in Europe to redeem themselves from servitude. I ask no better parallel for the condition of Ireland in respect to this country than that of Sicily in relation to Naples; and what is the noble Lord doing with respect to the people of Sicily—the parallel state of Ireland—but saying the people are perfectly right in throwing off the Neapolitan dominion? But in my absence charges have been brought against me. If Gentlemen have charges to make against me, I should like them to be made here to-night. Charges have been brought against me as an individual, and against the party with which I act. I am here to answer those charges, both for myself and for my party;

and I will say this with regard to my companions in the noble struggle in which we are engaged, that though I have had an opportunity of seeing the most distinguished men of all parties in this House, I never met a number of men acting for a great political object who appeared to me, at least, to be animated by such pure and disinterested motives as those with whom it is my pride to act. Now, Sir, with regard to myself. I have been called a traitor. I do not profess disloyalty to the Queen of England. But if it is treason to profess disloyalty to this House, and to the government of Ireland by the Parliament of Great Britain—if that be treason, I avow the treason. Nay, more, I say it shall be the study of my life to overthrow the dominion of this Parliament over Ireland. I undertake to say, and I challenge any man to rebut the statement, that there is no man in this House who stands higher in his public character than I do. I am certain that, both in this House, and in my country, there are men infinitely my superiors in talent; but since I had the honour of a seat as one of the Members for the county of Limerick, I can safely say I have never given one vote in this House from any other consideration than a sincere and honest desire to promote the public welfare. I defy any man to say that the votes I have given have been given from any other consideration. I tell the House more, now that I am to be an arraigned criminal, that I would gladly accept the most ignominious death that could be inflicted upon me, rather than witness the sufferings and the indignities that I have seen inflicted by this Legislature upon my countrymen during the last thirty years of my life. It has been stated I went to France for the purpose of enlisting French aid—that is to say, armed aid and succour for my countrymen in the struggle in which they are engaged. That is a misapprehension. If I had gone to France asking for aid of an armed kind, believe me I should have come back accompanied by a tolerably large legion of troops. You may believe what I say. I only wish you had been in France. The language I have held in Ireland and in France to my countrymen has been this—that Irish freedom must be won by Irish courage and by Irish firmness. I have no desire to impose upon my country one description of servitude in the place of another; for I believe that the liberty of Ireland and its redemption from its present position, were they won by foreign bayonets, could not be retained in its possession by foreign bayonets; and, therefore, it is not my desire or my intention to place my country under foreign dominion. What I did, however, I will boldly avow in this House. I went on behalf of a large portion of my countrymen, as one of a deputation to congratulate the French nation upon the overthrow of a dynasty which had forfeited all claim to continue in possession of the Throne of France; upon having shown to the nations of the world—and their example has to a certain extent already had that effect—how other nations were to win their liberties: but I have no hesitation whatever in affirming, and with pleasure I avow, that I did find on the part of the French people a great amount of intense sympathy with Ireland. I am glad that feeling exists, and I hope it will extend, for it is my business and that of those with whom I am associated to encourage that sympathy; and I may add, that I do not believe that that sympathy is confined to France alone, but that every nation in the world, every enlightened man, every statesman in the civilised globe, partakes in it, and looks upon Ireland as you look upon Poland, and upon your connexion with Ireland as entirely analogous to that of Russia with Poland. Sir, I will not reject the sympathy of other nations; but at the same time I am happy to think that there is amongst the middle and humbler classes of this country a large amount of sympathy with Ireland—that there is amongst them an anxious desire that they should obtain that power of legislation which they wish; and it gives me great satisfaction to think that amongst the Chartists, from five millions of whom there has been a petition presented this evening, there is scarce an individual who does not sympathise with the cause of Ireland. They feel that they have been unjustly excluded from all share in political power; they are resolved that the working classes shall assert their right to a share in the representation of this country; and they know they cannot do so at a better time than when you are embarrassed in your arrangements with Ireland. Therefore, whether from policy or sincere sympathy, I trust that the repealers of Ireland will accept that aid which the Chartists are universally prepared to give them. Now, I avow the fact—I know not whether it be illegal or not—that I have been instrumental in asking my countrymen to arm. I conceive that under the present circumstances of all nations, it is the duty of every man to obtain the possession, and to learn the use of arms. There is not a nation, I believe, in Europe, which does not make it part of its duty to instruct its citizens in the use of arms; and I conceive that it is the peculiar duty of the Irish people to obtain the possession of arms at a time when you tell them you are prepared to crush their expression of opinion, not by argument, but by brute force. Let me remind the hon. Gentlemen opposite of what took place in 1792. It was no crime to my countrymen to enlist themselves then in armed array for the defence of their country against foreign Powers; and by that armed array they obtained that independence which England accorded as the inalienable right of the Irish people, but which compact she has since basely contemned and violated. I ask them to arm now for the preservation of order, as well as for the purpose of acquiring their liberties; and as I think it right that there should be no mistake as to the opinions and sentiments and intentions of the body with whom I act, I will read a resolution which was passed at the last meeting of the Irish Confederation. It was as follows:—

> "Resolved—That we hereby repudiate, as a gross calumny, the imputation thrown out upon us by Lord John Russell, that the object of this Confederation is social disorder, and a violent separation from Great Britain; and we hereby declare that our object is now, as it always was, the legislative independence of Ireland, and thereby the attainment of social order; and we desire that such independence may be obtained, if possible, without civil war."

We have also, acting on the suggestion of the late illustrious leader of the Irish people, recommended our countrymen to send to the metropolis of Ireland a national council, to be composed of 300 individuals; and I trust that before long that national council will be established in Dublin. With all deference to the Irish Members in this House, we do feel that there is no exponent of the Irish nation, and of the opinion of the country, one in one hundred of whom is only represented in this House. We are, therefore, prepared to call upon the people of Ireland to send to Dublin such a board; and with that body I would recommend the noble Lord to enter into early and earnest negotiations for the purpose of effecting an amicable settlement of the question now at issue between the two countries. I was quite prepared when I came here to experience the insulting sneers that I have met; yet, Sir, for myself I believe that we shall eventually succeed in our efforts; and I can tell you that this is not a subject for sneering or levity. If we should unfortunately lend ourselves to the designs of the Government, and be led into overt acts of violence, I believe that in such a case we shall have at least the emancipation of our country postponed; but is the noble Lord prepared to govern Ireland not by satisfying the demands of the people, but by a system of detective police—by employing men that would instigate others to crime for the purpose of betraying them? Is that to be the principle on which to govern Ireland? The noble Lord relies upon packed juries. If he gets a fair jury, I say it is impossible to obtain a verdict. Let me tell him that if he fails, the prestige and influence of the Government is overthrown by that defeat; and if there be found one honest and intelligent juror out of the twelve to try us, his object is defeated; but if he succeed, what does he obtain? He little knows the spirit that prevails in Ireland, if he does not know that for every man he prosecutes he brings out 50, 100, ay, 1,000 men, who consider that so far from being disgraced by being convicted for serving their country, they would gladly suffer any consequences in such a cause. The noble Lord has boasted in this House of the signatures to the addresses of support which have been sent to Lord Clarendon. But what is their number? I think some 280,000 persons, whose names, by the way, are not known—that is, one-thirtieth of the population have been induced, by the most active solicitation, to sign those addresses. Now, I warn the noble Lord that he can place no reliance whatever on the influence of the gentry of Ireland. The gentry throughout three-fourths of Ireland are powerless, and all they could do with the aid of British bayonets would be to save themselves. The time was when they had influence, but it is not so now. Ask the county which the Burkes once led—ask the Duke of Leinster, who would be the most peaceful subject acting with the people, how many he could get to follow him? I believe he would not have a single partisan out of his own family. Ask Lord Ormonde, the most amiable man in Ireland, who is universally beloved even by those who differ from him in political opinion—ask how many men would follow his banner? Why, the noble Lord must know, that to look to the gentry of Ireland in the case of a struggle, is to place reliance upon a mere fictitious power. If this question should be settled by a recourse to the last extremity, which I, for one, most ardently and earnestly deprecate, the Irish gentry would be exceedingly glad to compound with any party which would allow them to remain in possession of their present property. You can place, therefore, no reliance on them. Then, there is a body, I admit, of considerable extrinsic strength—the Orangemen of Ireland. But the Orangemen of Ireland are at this time exceedingly discontented with the Government of this country. The Bill of the right hon. Gentleman the Secretary for Ireland is about to deprive them of that tenant-right which they value as an inheritance; and do you suppose that they can have any affection for a Government which is about to strip them of their means of subsistence? Amongst the Orangemen of the north there exists a great deal of the spirit of the United Irishmen; and it is singular that a great number of the confederated parties are connected with the north of Ireland. I can truly say that I most ardently desire that the Orangemen should arm. I am exceedingly anxious that every portion of the people of Ireland should acquire something like the power to vindicate their rights; and therefore, when you talk of arming the Orangemen, you do that which rather gives me satisfaction than conveys any uneasiness. The Government relies next upon the police force. Now that force is 10,000 strong, and is a remarkably fine body of men, but it is entirely national; they are taken from the people, and though they are excellent preservers of order, and though I hope they will preserve order—I honour them for the attempt—yet if we were ever led to a great national strife between nation and nation, the policemen would be too glad to obtain the certainty of the future honours and renown which would belong to them if they acted as the saviours of the country, not to take part in their country's cause. The Government next relies upon the Army. Now the Army is a very insignificant fraction of the whole population; and if during the rebellion 150,000 armed troops were required to retain possession of two or three counties in Ireland, under the circumstances do you suppose if it were to come to a struggle—which God forbid!—do you suppose that your 30,000 men at present under arms in Ireland would present any serious obstacle to the attainment of their wishes by the people of Ireland? But, however painful these views may be, I believe that you cannot rely upon the Army in Ireland. I am persuaded that if there were a struggle to-morrow, a large portion of the Army in Ireland would refuse to act against the people ["Order!"] I do not know what is the meaning of liberty of speech, if one cannot speak freely upon these questions. The object of my argument has been this—for I treat with the most utter disdain the attempts of the Government to put me down by prosecution—the object of my argument has been to show that if ever unhappily these two great countries should come into a collision, the result of that collision would be extremely uncertain, and cannot in any case be otherwise than disastrous to you; and if you fail, it might not be unadvisable to consider what would be the condition of England with an independent republic on one side, and and an independent republic on the other. But if you succeed, you decimate the inhabitants, you destroy their industry, you paralyse their energy, and you are left with what you have had before—a disappointed population, useless to you, whilst you are despised by all good men. I do, under these circumstances, implore you, before it is too late, to consider as portentous what has occurred in other countries. Before the knell of English power in Ireland is sounded, I beg of you to make friends of the Irish people, by conceding to them those national rights which they claim, and to which, by every right, human and divine, they are entitled. Now, Sir, I have used no reserve on the present occasion in the commencement of these observations, and I shall use none at their conclusion. When the noble Lord tells me I am a traitor to the Crown, I repel the charge, and retort it. And I tell him that if, in the present condition of Europe, he attempt, as regards his own fellow-countrymen, to crush all the efforts on the part of the democracy to obtain those rights which the people of other countries have obtained—and if, as regards my country, he refuses their demand for self-government—if he plays towards this Government the part of Guizot and Metternich in their respective countries, then I tell him, it is not I, but he and his Colleagues, that are traitors to the country, the Queen and the constitution.

Sir G. GREY: Sir, when I saw the hon. Gentleman after his long absence from his place, rising upon the first moment that the second reading of this Bill was moved, I certainly entertained some hope, albeit but a faint one, that he had risen to disavow with indignation—that indignation which all loyal subjects of this realm must feel at imputations cast upon their loyalty—those charges which have been made with regard to him, not only in this House, but in every newspaper circulated throughout this country for some weeks past—that he would, with that fervid eloquence which characterises his harangues elsewhere, if not in this House, disavow those sentiments, and declare by virtue, if of no better feelings, of that oath of allegiance which the hon. Member has repeatedly taken to the Sovereign of these realms, that the imputations which have been so frequently cast upon his name and conduct were confounded. What, then, was my astonishment—nay, what were my feelings of pain and regret—feelings shared, I will venture to say, by every hon. Member in this House—when, with the miserable pretence of still professing some loyalty—a faint shadow of loyalty, with lip service to his Sovereign, coupling that boldness and daring which has characterised his speeches elsewhere with some cautious reserve—I heard him repeat the sentiments which he has elsewhere uttered, and charge my noble Friend, in defending the constitution of the country, with charges similar to those made against himself, of treason. The hon. Member said that in his absence he had been called a traitor. I presume he alludes to what I said on Friday last. For his absence I am not accountable: the cause of that absence he can no doubt best explain. But I did not call him a traitor; but this I did. I read to this House, from the report of a meeting of the Irish Confederation, the announcement made by one of the members of the association, Mr. Duffy, of a message which he had received from the hon. Gentleman from Paris, in which, casting to the winds the discouraging reply which the hon. Gentleman had received from M. Lamartine, who, from a sense of public virtue refused to encourage his designs—be they seditious, be they traitorous, or be they loyal, as the hon. Gentleman pretends to assure us—feeling that if he had encouraged them he should be violating the laws of nations, and giving good cause for a war between England and France. The hon. Gentleman led his countrymen to look for foreign aid to subvert their own Government. I asked if the hon. Gentleman were prepared to disavow the truth of that message which Mr. Duffy announced as the true exponent of the French sentiment towards Ireland, casting altogether aside the language of M. Lamartine—whether in fact the hon. Gentleman did say that—

> "He had found there were Irishmen in Paris who were determined to aid the efforts of Ireland in securing her independence—that the French nation was deeply moved by the indignities and sufferings which the people of Ireland endured, and that he had seen enough to feel assured that were Ireland to demand assistance, France would be able to send 50,000 of her bravest citizens to fight with her for liberty."

[Mr. S. O'Brien: Read the next sentence.]

> "We owe to the people of France our sincere thanks for their hearty sympathy."

Is that the sentence the hon. Gentleman requires? Or perhaps it is this:—

> "But we feel that the liberty of Ireland should be obtained by the energy, the devotion, the courage, of her own children."

Is that the language which he, knowing what the sentiments of M. Lamartine were, thought fit, as one of the truest friends of the Irish people, on whose word they might rely, to hold out as the real feelings of the French people. Did he mean that if the Irish failed in an insurrection, they might rely on the aid of France in accomplishing their object? The hon. Gentleman has not disavowed his attempts to seduce the soldiers of this country and the police from their allegiance; and he has insinuated that they were disaffected to the Crown, and would arise at his bidding against their Sovereign. I have said that I did not call the hon. Gentleman a traitor, but that I did read that statement which had been made by Mr. Duffy as having been transmitted to him by the hon. Gentleman from Paris. He drew his own inference. He said I called him a traitor because I read these statements. [*Cheers.*] The House also drew its inference, and I read that inference in unmistakeable language in those cheers with which the hon. Gentleman was received when he said, "I have been called a traitor." Sir, I altogether deny the right of the hon. Gentleman to constitute himself the exponent of the loyalty of the people of Ireland. The inhabitants of the north of Ireland, he said, were not loyal; and he has attempted to excite a feeling of dissatisfaction to-night by alluding to various topics, and to the Bill of my hon. Friend near me, as calculated to shake the allegiance of the Orangemen of the north. I say nothing of them as Orangemen; but we have undoubted proofs of this, that people of different creeds and from different parts of Ireland are inseparably attached to the Crown and the constitution of this country; and I am sure they will, one and all, indignantly deny the right of the hon. Gentleman to be the exponent of their feelings on such a subject. He has also said that the Chartists are all with them to a man. I utterly disbelieve that also. There sits by the hon. Member's side a leader of the Chartists, who on Friday night expressed in this House feelings and opinions very different from that, for he declared himself the firm friend of the monarchy of this country. I believe that in France, in England, in all quarters of the globe, the hon. Member, in his endeavours to seduce the subjects of Her Majesty, or to obtain foreign aid for his designs, will find himself miserably disappointed; that he will find in England a spirit that will rise with indignation against the dictation of the hon. Gentleman, and the exposition which he pretends to give of the true feelings of this country. Far be it from me to speak in a tone of defiance towards Ireland. I have no such feeling. We desire to see Ireland as a portion of this United Kingdom indissolubly connected with it; her people happy, rich, prosperous, and enjoying that constitutional independence which is the birthright of every subject of the Crown. In order to secure those inestimable blessings, we wish to see a union of all good men in opposing the dangerous doctrines and mischievous designs of the hon. Gentleman and his associates; and by this means we shall best secure—I will not say the Crown and the Government of this country only—but the real, lasting, and true interests of the great body of the people.

Mr. F. O'CONNOR said, as he had been alluded to, he wished to repeat the expression of an opinion which he had often urged both in and out of that House, namely, that there was a power behind the Throne — the voice of the people, which should be greater than the Throne itself; but if the term "treason" were thrown in the teeth of any hon. Member in that House, he begged to say, that he had taken the oath of allegiance, and that that would induce him to protect Her Majesty's Crown even against the machinations of Her Majesty's Government. He was surprised that the descendant of Lord W. Russell should be the man to ferret out the law of Charles II., in order to determine what treason and sedition were; and he certainly thought, after the able and constitutional speech of the hon. Member for Oldham the other night, that the Government would have paused before proceeding further with this Bill. He would be the first man to resist the invasion of a foreign army, and he might tell the right hon. Baronet that he had refused to proceed with a deputation to France; but if Ireland had been treated with justice, he asked the right hon. Baronet how it was that so many thousands had died of famine? He knew the right hon. Baronet did not like compliments, and he knew how liable they were to be misinterpreted; but he must say, that but for that step which the right hon. Gentleman advocated, in spite of the whims of some of the constituencies, hundreds of thousands would have perished in Ireland. But were the Irish always to be beggars at Britain's door? He had that day witnessed a demonstration, and, thank God! it was a peaceable one. [*Laughter.*] Did hon. Gentlemen laugh at the idea of a peaceable demonstration? He rejoiced at it; but he would warn the right hon. Baronet that if he suppressed the free expression of public opinion, he would inevitably cause the formation of secret clubs and associations. When the Confederation was dissolved in 1839, two men went through the north of England and Scotland establishing secret clubs, with private signals and modes of communication. He (Mr. O'Connor) pursued them, however, and drove them out of the country; and for himself he must say, that he never said or wrote anything of a political character which was not perfectly open and patent to the world. He had never allowed the doors of any association to be closed against the press; and now they were going to prosecute the hon. Member for Limerick, and if they obtained a conviction from an honest or dishonest jury, their triumph would only be a weakness. What he regretted was, that there was no constitutional Opposition in the House. The opinion of this country was wild, because it did not see itself represented in the House by a constitutional Opposition; and until it saw that Opposition, there would be no bearing on the benches opposite. What he wanted was an Opposition based on constitutional principles, opposing the Government in their attempts to inflict laws of this kind. Was not this Bill an infraction of the rights of the subject? He knew of many Members who had voted for the first reading of this Bill from courtesy. He was made of sterner stuff; and, if he stood alone, he would move that this

Bill be read a second time this day six months. It was monstrous, that with a starving multitude, not a single measure was proposed for the amelioration of their condition. When they asked for reform, they were met by prosecution and persecution. As far as he was individually concerned, without asking for the aid of a foreign Power—without secret associations—without anything injurious or unjust—there was not a man in the country who would go farther to shake off the English yoke from the Irish people than he would. He moved that this Bill be read a second time this day six months.

Mr. G. THOMPSON, before observing upon the measure before the House, desired to express his heartfelt thanks that the proceedings of that day had been characterised by order. It must be a relief to the mind of every hon. Member, that, instead of being assembled within these walls labouring under the apprehension of a conflict out of doors, they sat in peace and quietness, convinced that they had sufficient foundation for the opinion that the people had seen that the best method of promoting the attainment of their just rights was to confine themselves to peaceful means, and avoid a conflict with the authorities. He had mingled much, for twenty years, with the working classes of this country. There were few men in the House who had more frequently come in contact with them; more fearlessly censured them when he deemed them wrong, and more cordially sympathised with them when he believed them to be right. He had never joined any political association; he had never given in his adhesion to a political creed; and he had advocated the right of all to participate in the constitution. He now came to the Bill before the House. In the first place, he had to object to the haste with which this Bill had been introduced into the House—a Bill than which a more important one had not been introduced into the House during the last century, or within the history of Parliament. What was it? It was a Bill to make the speaking of words on political questions a felony. It was a Bill affecting the constitution, and the integrity of the British dominions. Let him warn the House against being precipitate on this occasion. You could not make that felony which universal humanity did not characterise as a felony. Let them beware lest, by passing this Bill, they ennobled felony; let them beware lest they converted that which ought to be a badge of degradation into a badge of honour and renown. There were things which men knew to be and consented to see punished as crime; but you could not brand open and advised speaking as felonious without multiplying felons throughout this country to an extent so great that the police could not apprehend them, the prisons could not contain them, and the ships could not transport them. In one clause there were ten felonies. There was the felony of thinking. It was a felony to "compass, imagine, invent, or devise." That was branded a felony, and you only did not punish it as such because you could not discover it. But it was still branding the act of thinking as a felony, and the perception and exercise of the mind itself. Then we had it declared to be felony to meditate to deprive Her Majesty of any of the titles and honours she now enjoyed arising from any portion of Her Majesty's dependencies. Then we had the felony of printing, the felony of writing, the felony of speaking, and the felony of any other overt act or deed connected with the subjects previously recited. Now he had seconded the Motion that this Bill be read a second time this day six months, with the view of giving the Government an opportunity of striking out of the Bill so much of it as was comprised in the words "open and advised speaking." He agreed with the Bill, as far as it went, to put into another category offences hitherto described and provided as treason, and as far as it went to consolidate the laws respecting the utterance of seditious or treasonable language; but he could not agree to circumscribe the right of public speaking—to put a gag on the lips of a man—and to prevent him openly expressing his views on political questions; and he would oppose the Bill in all its stages whilst those words were in it. Was it come to this that such a law was recommended by those who sat on that (the Ministerial) bench? Had the hon. Member for Harwich forgotten the words which he had uttered on former occasions? If you allowed the assertions of this Bill, you might write on the stone which covered the ashes of Washington, "There lies a felon!" He did not think he should have lived to see the day when men could sit on that bench so recreant to every principle they ever professed, when out of office, as to bring in so atrocious a Bill, and commit so atrocious an outrage upon the social principles of mankind, and upon their inherent and Heaven-originating rights. He should be reminded of Ireland; but were twenty-seven millions of inhabitants comprised within the British dominions to be punished for the indiscretion of a few individuals in Dublin? You had laws against sedition before—you had them still. He would help to consolidate and enforce them; but when you come to stop the right to think and speak, he would say, "Thus far shalt thou go, and no further." This Bill took its rise from the discontent of a large portion of the people of Ireland and of this country, and it was always thus. Those who had neglected and eluded the just claims of the people for years—those who had brought them to the brink of despair, and excited them, by their own disregard of their rights, came down with Bills of coercion, and, taking advantage of the natural terror which prevailed in the public mind, obtained the passing of laws which were the disgrace and pollution of the land. He, for one, would not consent to avail himself of a season like this to pass one of the most censurable measures which had ever disgraced a Statute-book. Look at the origin of this state of things. Had not the petitioners come again and again in hundreds of thousands; and what had the Government done? The noble Lord had been asked if it was his intention to bring in any measure for the repeal of the rate-paying clauses of the Reform Bill? He answered emphatically—No! He was asked if it was his intention to consider the just claims of the Dissenters to be relieved from the impost of church-rates? He answered emphatically—No! He was asked if he would consent to a revision of taxation? The answer was—No. He was asked the other night for an inquiry into the history of a transaction as black as any which had disgraced our annals; and the noble Lord, through a subordinate Member of the Government, gave the emphatic answer—No. He was asked to equalise the income-tax? He answered—No. And although it was apparent to the country that ever since the Reform Bill had passed, it had not accomplished the ends proposed, yet the noble Lord did not alter it: he had promulgated the doctrine of finality, and rigidly adhered, up to the present hour, in refusing an extension of political rights to every part of the British community. And now, when the people had announced an intention of assembling on Kennington Common to present a petition, what did we behold? No man could read without a shudder the description in the morning newspapers of the military preparations made by her Majesty's Government. He did not ask the House to censure those arrangements; but he asked the House to sympathise with his feelings when he looked at a state of things which rendered such precautions necessary. They never could be necessary in any country which was wisely and justly governed; they were not necessary in France until there was a Polignac and a Guizot for a Minister; unhappily they were necessary in the metropolis of the British empire while the noble Lord was at the head of the Government and Prime Minister. For all this discontent there was a cause. The hon. Member for Nottingham, with all his talents, could never have raised the hundreds of thousands, if they had not substantial justice on their side. He could never have persuaded the people that they were wronged, if they had not been painfully conscious that they were wronged. He did not share the apprehensions of Government; he believed that if the procession had taken place, the people would have been as peaceable out of doors as they were now; but he was in favour of the people gathering together to assert their political rights. They had no other means of doing it. A journalist could express his feelings by his writings; an orator could make himself heard; but the man who was poor and helpless, unlearned, and wronged, had but one method of pleading in his own behalf, and that was by presenting himself, with numbers, before those who had deprived him of his rights. The Bill was intitled "A Bill for the better Security of the Crown and Government of this Kingdom." That was a wrong title. There had never been a law which concerned the interests of the Crown and Government of any country that was not a just law; because to accomplish these objects it must be a just and impartial law; but the noble Lord at the head of the Government must know as well as any man, that to inflict on the people such an Act, depriving them of the right of openly declaring their opinion, was to enact a law which was radically and eternally unjust. He had the greatest apprehension for a Crown and Government, if the Government persisted in enforcing on the country an odious and execrable Act. Could we look around us and fail to be astonished at the slow progress of the present Government? Had they not seen the sun of enlightened freedom arise throughout the whole of Europe? Her Majesty's Government professed to sympathise with the movement, to share the progress of events, and go forward with the people of Europe; and yet they came down and treated the people of England to a gagging law. This was not the time for such a measure. As far as he understood the Bill, should a man but deliver his opinions upon government in the abstract—should he but deliver his opinions upon the origin of human government, upon its purposes and designs, and express a preference for a republic as compared with a monarchy, he was liable by this Bill to be arraigned as a felon, and transported for the term of his natural life. This law, as it stood, was infinitely worse than the old law. When a man was charged with treason, there was great regard manifested for his security; he was allowed to have a copy of the indictment, a list of the witnesses; counsel and solicitor were assigned to him, and he could not be convicted except on the evidence of two witnessess. Now, he might be arrested on the evidence of a single individual, and was at once lodged in prison and deprived of any of the privileges which were extended to him under a charge of high treason. He hoped Government would see the necessity of preventing the multiplication of secret societies, which could not fail to be resorted to if freedom of speech were denied. At present he looked on this Bill as an offence against reason, and an outrage on liberty.

Sir B. HALL did not intend to follow the hon. Gentleman who had just sat down through the whole of his very discursive speech; but he must be allowed to express his surprise, after hearing that speech, that the hon. Member had come to the conclusion to vote against the second reading of the Bill, for he understood the hon. Gentleman to say, that although there were some words in the third clause of the Bill to which he entertained strong objections, he was quite ready to give the other provisions of the measure his hearty support. It would surely be more in consonance with their proceedings for the hon. Member, expressing himself as he had done, to vote in favour of the second reading, and propose the omission of the words to which he objected in Committee. He (Sir B. Hall) was equally opposed to the words alluded to; and when the proper time arrived, he should record his vote in favour of their omission. He considered that the Government would have been wanting in the duty they owed to their Sovereign and to the State, if they had not asked for some powers to stop the treason and sedition which had lately been rife. The speech of the hon. Member for Nottingham (Mr. O'Connor) had been marked by great loyalty on the one hand, and by strong condemnation of the Government on the other. He (Sir B. Hall) had been in that House ever since that hon. Gentleman was first elected for the county of Cork, sixteen years ago; and he must do the hon. Member the justice to say, that he had never heard him express any opinions which intimated a desire to depose the Sovereign, or to subvert the monarchy. He (Sir B. Hall) wished, however, in no unfriendly spirit, to give the hon. Gentleman an opportunity of avowing or disavowing certain opinions which had been ascribed to him within the last few days, and which were at variance with the opinions he professed in that House. He held in his hand a paper called the *Northern Star*, of which the hon. Gentleman had in that House avowed himself to be the proprietor, and in which, so lately as last Saturday week, there appeared a letter purporting to be written by the hon. Member. He must do the hon. Gentleman the justice to say, that throughout the whole of that letter he did not tell the people to resort to other than moral force; but he wished to give the hon. Member an opportunity of explaining the meaning of the words he was about to read. The hon. Gentleman addressed a letter to the "Old Guard," in which he said—

> "Old Guard, I have received several letters warning me of the danger of joining in the procession; but this is my answer to one and all—that I would much rather be taken a corpse from amidst that procession, than dishonour myself, disgrace my country, and desert you by remaining away. Old Guards, the charges against me by the enemy have been numerous, but cowardice has never been one of them. But as to republic or monarchy, let the power behind the Throne be greater than the Throne itself; let labour select its own representatives annually, and pay them honourably; and I do not care whether you put the Pope, the Devil, or the Pretender upon the Throne. Let the people be the base and the superstructure, and I care not three straws what the figure-head may be."

That was not hastily spoken, but deliberately written. These were not words uttered in the heat of debate, or in the excitement of a public meeting, but put forth to the world in writing; and being so decidedly at variance with all the sentiments uttered by the hon. Member in the House of Commons, he wished to give the hon. Gentleman an opportunity of explaining whot his real sentiments were, whether he really desired that the Queen should still continue on the Throne, or whether he was indifferent as to whether the Pope, the Devil, or the Pretender reigned in her stead. The hon. Member would do well, in addressing great public meetings, not only to instil into men's minds that they should endeavour to attain their rights by moral and not by physical force, but to read a short speech delivered not many days ago by one of the most eminent men in the most enlightened country in the world—a speech delivered by Mr. Welcker at Heidelberg, to a large assembly desirous of an extension of their rights—a speech in which that Gentleman said in substance—

> "Do not let us mistake license for liberty. Do not let us imagine, that because much may require to be remodelled, all must be overthrown. Let us take England as our model. She has free institutions; her people have great political priviges; she alone remains proud and pre-eminent amongst the nations of the world, whilst all around her is a wreck."

Desiring to see this country maintain that proud position, and considering that some steps should be taken to put down sedition, and put a stop to treason, he should certainly support the second reading of the Bill. The hon. Member for Limerick (Mr. W. S. O'Brien), in the course of the extraordinary speech which he had made, had indulged in remarks very much of a personal nature; it would probably be most in accordance with the feeling of the House to refrain from any observation upon that part of his speech. The Government had felt it their duty to take proceedings against him, and, as he (Sir B. Hall) thought, justly. The hon. Member would have to go before his own countrymen, and "God send him a good deliverance!" But that hon. Member was grossly and grievously mistaken if he believed that even in his own country, much less in this, there was any sympathy for sedition, or any affection for treason. The people knew their rights, and would defend them. They would not be dictated to, or led into rebellion by the hon. Gentleman and his associates. He would tell the hon. Gentleman in words much better than he himself could devise—in the language of one who was the greatest genius this country ever produced—who was as remarkable for the powers of his mind, as he was admirable in the force of his expressions—he would tell the hon. Gentleman that he had yet to learn that—

> "When proud faction and her rebel crew
> Insult the Sovereign, trample on the laws,
> And bid defiance to his power, the people,
> In justice to themselves, will then defend
> His cause, and vindicate the rights they gave."

He could not close the observations he had made, without, on his own behalf, and on behalf of his constituents, thanking his right hon. Friend (Sir G. Grey) for the admirable manner in which he had been prepared to meet any emergency that might have arisen: the country were deeply indebted to his right hon. Friend. But representing as he did 350,000 of the inhabitants of this metropolis, and brought into almost daily communication with various classes, he could assure the right hon. Baronet that he never saw greater affection on the part of the people. From the highest peer to the humblest mechanic there was a desire on the part of all to lend their aid for the promotion of order, the suppression of sedition, and the prevention of crime.

Mr. HUME said, if the words "or by open and advised speaking" were struck out, he should have no objection to the Bill; indeed he believed the House generally would have very little objection to it if those words were omitted. And he thought he was entitled to ask that that should be done at a time when all were looking for improved legislation. If the Bill passed in its present state, they would again have enacted in England and Ireland such disgraceful scenes as had occurred in the case of Mr. Muir, who was prosecuted on the evidence of his servant, who stated that she had heard him speak in favour of an alteration in the system of legislation. That man was murdered by the Judges of that day. Lord Holland, in 1837, in answer to a circular on the subject, said—

> "I send you my subscription to the monuments intended to be erected to the memory of five persons who were the victims of an iniquitous sentence in Scotland in 1793. I do so because it seems to me an unexceptional method and a fit opportunity of recording the disgust and abhorrence which I have always felt at those proceedings, and at 'the expedient of transporting men among common felons for political offences,' which, as Mr. Fox justly observed, was then for the first time invented."

Parliament was now asked to make that the law of the land in England, Scotland, and Ireland; to pass it on an emergency as a permanent law for the three kingdoms. It was unwise to pass severe laws for an emergency, for such laws were generally ill considered; and he had never known one of them which was not a matter of regret at a later period. If the Government were in possession of information which they did not wish to divulge, but which in their opinion rendered some strict measure necessary for a few months, let them so declare, and he thought they would not find much opposition; but to all appearance the ordinary powers of the law were amply sufficient, and that House ought not without some very cogent reasons pass a Bill which would remain a blot and a stain upon the Statute-book. The measure was in his opinion a violation of those principles, the maintenance of which was not only the best guarantee for the preservation of freedom, but for the safety of the Crown itself. If they passed it, there would be nothing but secret meetings, private associations, and a hateful system of espionage. Yes, he said so advisedly; for he was bound to look at a law not merely as it was probable it would be administered, but as, in bad hands, it might be administered. When he looked back and recalled to mind the events which he had himself witnessed, he felt convinced that all those penal statutes were hurtful and unserviceable, and that they but exposed the country to those terrible convulsions which occurred in another country from the same causes. What were the main causes of the late revolution in France? Why, the suppression of the liberty of the press and the interference with the freedom of speech? There had not been for five years before the late French revolution a single newspaper, except those in the pay of the Government, which had not been prosecuted. The Government of that country was a "gagging" Government; and what was the consequence? During the whole time, the Government was unconsciously standing upon a volcano — they were standing over a powder magazine, which a spark would ignite; that spark did fall, and Government and Crown were blown to atoms. Let this Government be cautious how it proceeded too far. This was a step in the wrong direction, and the people would not suffer it. He did not for one moment compare the middle classes of this country with the French people; they were men of a very different calibre—the middle classes of this country were peaceful and fond of order. Was it not delightful to witness their conduct upon that day? They were as determined as the Government to maintain that order which was so essential, but to none more than to the middle and lower classes. There might have been some discontent among the labouring classes. If it were in his power to prevail upon them, he would convince them that their greatest enemy was he who would induce them to violate the law. But he had observed nothing but good feeling exhibited towards the Government; and he regretted that it was at such a moment the Government thought it right to introduce a Bill enacting provisions so adverse to those privileges which Englishmen had always most valued. The people demanded an enlargement of political rights, and the Government brought in a Bill preventing freedom of speech and freedom of the press. If riot were apprehended, why not try the existing law? and if the existing law failed, when fairly put to the last test, he (Mr. Hume) would most readily grant any requisite additional powers. What was it they wanted? Had they not the means of putting down associations and conventions which they had reason to fear? He did not approve of some of those bodies. He did not think it right or becoming that a convention should be sitting in judgment over the acts of that House. He was as anxious to maintain the liberties of the country as any man, but he did not like arbitrary measures. A more effectual mode of putting down such combinations would be to improve the condition of the working classes so as to raise them in society—so as to elevate their tone of moral feeling. It was strange to see men, who all their lives professed such a regard for the freedom of speech now bringing forward a Bill to fetter it—that privilege of which Lord Holland, Whitbread, Erskine, and the other great men of their day, were the unceasing advocates. He had always considered the freedom of speech in public meetings as the palladium of the liberties of this country, for it was there where a community of feeling was established, and where violent spirits evaporated. He did not object to the utmost freedom of speech, and would allow any man to talk as much as he liked, provided he kept his hands off him. If he might advise the Government, he would tell them to despise those brawlers, and to show that they could not be affected by them. To act as they were doing was such a confession of weakness as he never could have expected from them. It showed a distrust in the population of these countries, which he considered unwarrantable and unfounded. He dreaded the consequences of their attempt, and thought it would be attended with results which they little contemplated. The day for coercion was gone by, and instead of restricting present privileges they ought to be endeavouring to extend them. But it was said that they must make it a felony to overawe Parliament. Overawe Parliament! Why, this was the purpose of agitation. He had long agitated out of doors as well as within those walls, and his object had been to overawe Parliament. Would any one say that Parliament had not been overawed when the Reform Bill was granted? Would any one say that Parliament had not been overawed when Catholic Emancipation had been granted? Every agitation, however constitutionally and peacefully conducted, must be more or less for the purpose of overawing. Why, it was a maxim of Jeremy Bentham, that it was the business of the people to make the few who govern, uneasy, in order that the many might obtain their rights. The many must plague the few in order to obtain any concessions. If the Government was afraid of the Convention, why did they not use the powers which they undoubtedly possessed, and put it down? By the 39th George III. a meeting of delegates coming from any part of the country was unlawful. It could be suppressed at once, and he took this opportunity of making them aware that such was the case. In 1831 and 1832, when the Political Union was in agitation, Lord Grey, by a public proclamation, forbade the meeting. The Government, however, was defeated, and a counter address was published to show that the day existed no longer when the mere declaration of a Minister would have the force of law in this country. However, he had no doubt that on the present occasion the law was quite strong enough for all necessary purposes. He thought the Government was very ill-advised, and the course pursued by them caused him great regret. In reference to the late apprehended disturbances in the metropolis, he thought the police commissioners, whether they acted of themselves or by the authority of the Government had acted most improperly. They appealed to the 13th Charles II., which not only forbade more than ten persons bringing a petition to the House of Commons, but actually enacted that if more than twenty persons signed a petition they rendered themselves liable to a penalty not exceeding 100*l.*, or three months' imprisonment, unless the writer of the petition were approved of by three justices of the peace, and of the grand jury, the lord lieutenant, or the mayor and common council. But that statute was not law, it was obsolete. The Bill of Rights declared—

> "That the subject hath a right to petition, and that all commitments and prosecutions for such petitioning are illegal."

Mr. Dunning stated in the House of Commons that, by the constitution of this country—

> "The people had a right to petition their representatives in Parliament, and that it was by no means true that the number of names signed to any petition was limited. To argue that the Act of Charles was now in force, would be as absurd as to pretend that the prerogative of the Crown still remained in its full extent, notwithstanding the declaration in the Bill of Rights."

But the commissioners said in their proclamation that the acts of the people were unlawful and criminal. That declaration was unworthy of them, and a gross aspersion upon those who had signed the petition. The proclamation was most discreditable to the Government and to the commissioners. The preparations made by the Government had spread alarm throughout the country. One would have thought that Lord Ellesmere's letter had been carried out, and that the French had actually landed at Greenwich. The police of the metropolis, 5,000 strong, were surely strong enough to preserve the peace, and if not, almost every householder was a constable, and ready to assist in maintaining the peace. What more could reasonable men desire? As he had already said, if the present laws were fairly tried and found wanting, he would be quite ready to grant any additional powers; or, if the Government would consent to omit the words "open and advised speaking and writing," he would consent to the present Bill; otherwise he should certainly oppose it.

The SOLICITOR GENERAL: The hon. Gentleman who has just sat down, and the Member for the Tower Hamlets, do not appear to me really to understand the effect of the clause to which they have alluded. It is manifest that the feeling of the House is in favour of carrying a measure which will have the effect of conducing to the preservation of order, and of ensuring the safety of the country, and of doing so without any violation of the constitution; and, therefore, it is desirable that there should be no misunderstanding with respect to the Bill before us. The hon. Member for the Tower Hamlets complained that it created ten new felonies, in the first place, and expressed his opposition to the insertion of the words, "open and advisedly speaking." No one could concur more fully than I do with my hon. Friend who has just sat down, and the hon. Member for the Tower Hamlets, in thinking that the right of petition ought to be protected, and that at public meetings persons have a right to express their opinions of the measures of the Government in the fullest manner, or, if you please, in unmeasured language, if they should be seized with fits of eloquence, such as some persons are unfortunately afflicted with. Now to prevent that is not the object of this Bill. I do not think that anybody could have misunderstood what was the object of the Bill, after the explanation of the noble Lord (Lord John Russell). In the first place, with the exception of the four words objected to by the hon. Member for Montrose, the statute enacts nothing which has not been enacted by the 57th of George III., which is still in force, and is the declared law of the land. The first part of the statute which relates to the compassing, devising, or intending the death of the King, is not touched; neither is that portion wherein it is made treasonable to levy war against Her Majesty, for the purpose of compelling Her to change Her Councils or Her measures, or for the purpose of intimidating the Houses of Parliament. All this is made a felony, which was before punishable by death. The mode in which persons are to express their intention of committing these crimes is either by printing, writing, or by open and advised speaking. No speaking can fall within the penalty of these statutes unless it be such as is used for the purpose of levying war, by force to compel the Queen or this House to take certain measures without which force they would not be disposed to adopt them. You must also have a jury of twelve men, who shall be of opinion that the speaking has been of such a nature as is calculated for the purpose of levying such war. The Act limits the nature of the evidence to be given, and requires the evidence of certain overt acts to be given, such as printing, writing, or open and advised speaking. It has been frequently observed that speaking is liable to much misinterpretation, and that you have frequently words reported not supposed to have been spoken. In these cases the difficulty of proof will form a safeguard to the accused; and the party, as I said before, must be tried by a common jury; he will have the benefit of that jury; and I have always heard it said that it was part of our constitution to have confidence in the verdict of a jury; and I do not think that you will get juries to convict unless they are convinced that the open and advised speaking was of such a nature as that pointed out by the statute. The words "open and advised speaking," I am free to confess, are somewhat vague, and may possibly admit of being defined more correctly; but they are not words introduced for the first time: they have been used in previous enactments. I do not consider "open and advised speaking," language used during the moment of excitement at a public meeting, such, for instance, as if a person should tell an assembly to go down to this House and force it into the adoption of a measure—I do not think any jury would convict a man for such language. But if, on the other hand, the speaker says you will never obtain redress unless you organise and arm yourselves, and force the concession of what you desire—if this was done—if such language was held day after day, notwithstanding repeated warnings—nobody could doubt that such would be open and advised speaking, and, as such, would fall within the penalties of the statute. I believe that there is a great advantage in modifying these crimes, and changing them from treasons into felonies. It has been observed that there was something degrading in the crime of felony, but that treason was a more gentleman-like offence. There is no doubt that the crime in both cases is equally serious. Persons commit crimes from a desire of notoriety—from a desire of obtaining distinction. Thus we may see that there are individuals who throw themselves from the top of the Monument, merely to have their names placed prominently before the public; and, giving the hon. Member for Limerick the credit which I believe to be due to him of the utmost sincerity, yet I must say that many of the persons associated with him are actuated by no other feeling than a desire of public notoriety. It is very useful to put down this serious crime, and prevent persons from inducing ignorant and idle persons to join them in illegal associations, by the hope that they would obtain for them advantages which it is out of their power to obtain; which it is not in human nature—not in the condition of our existence to give them the things which they are desiring. I think it very beneficial to take away the *éclat* of treason from this crime, and make it felony, felony of the most vulgar description. I do not think that there was much force or justness in the argument of the hon. Member for Montrose, namely, that as the Government made use of one portion of the Statute of Charles the Second for putting down a meeting, that therefore it was their intention to resort to another clause in the statute, which rendered it illegal to present a petition signed by more than ten persons.

Mr. HUME desired to ask the Solicitor General if there was any law, before the present Bill was introduced, which made open and advised speaking treason or felony?

The SOLICITOR GENERAL: Yes; open and advised speaking is treason when followed by an overt act.

Sir R. H. INGLIS was glad the right hon. Gentleman the Solicitor General had caught the Speaker's eye when he rose, for he had explained the nature of the measure in a clearer manner than any of those could have done who rose at the same time. In all the speeches he had heard from the hon. Member for Montrose during the last twenty-five years, it had never been his good fortune to agree entirely, or much, with any of them; but there were some points of his speech of that evening in which he concurred, and some for which he even thanked the hon. Member. He agreed with the hon. Gentleman in thinking that the general feeling in the metropolis, and indeed in the country, was one of confidence in the Government, under the existing circumstances. He thanked him for the expression of his own opinion that such confidence would not be misplaced, and was glad he had given the support of his opinion to the system which Government had adopted to maintain the peace of the metropolis. Admitting this, he could not, however, concur in the observations of the hon. Member with respect to the Bill before them. The hon. Gentleman gave his sanction to it with the exception of five words. He (Sir R. H. Inglis) gave it his sanction, even including those five words. But even if he had been of another opinion with respect to that part of the Bill, he should have agreed with the hon. Member for Marylebone, and with those who supported the other portion of the Bill, in thinking that opposition to that particular part of it should be reserved until they were in Committee on the subject. Taking advantage, however, of the discussion which had arisen with respect to the five words in question, he must express his decided opinion that the Government had acted wisely in introducing them. It was true these words did not occur in the previous statute, but it was equally true that they had been introduced to meet an evil which he believed would never have been allowed to exist in any civilised country but our own. They had read from day to day the attacks made on both branches of the Legislature—attacks almost approaching the Throne itself—the incentives to war, and the overtures of a treasonable character which had been addressed to foreign countries. These things were, he believed, unparalleled in any other country, and would not have been suffered in the most republican Government in the world. All these attacks had gone on without restraint, simply because there was no law existing to prevent them. The hon. Member for Montrose derided treason if it were confined to words alone, and said, "I will suffer any man to abuse me if he will only keep his hands off." But was not the analogy rather whether he would permit other persons to meet together and encourage each other, by open speech, to knock him down? But what did the hon. Member say would be the consequence of suppressing open expression of opinion? He said that parties would be driven to secret meetings. Be it so. Nine-tenths of the evil would cease when seditious speeches could not be made except in holes and corners. The great danger was when they were addressed to inflammable and excited myriads; and the hardship was that those who uttered the treason, and who stimulated the unfortunate listeners to outrage, were punished in a less degree than those whom they had driven to crime by their speeches. He held in his hand a collection of the speeches which had been made in this city within the last week, and which, in his opinion, were calculated to provoke the least impassioned of human beings to acts of crime and violence. He could not refer to the list of their speeches given in the *Times* newspaper of that day, without venturing in passing to pay a tribute of gratitude, not to the *Times* only, but to the *Morning Herald*, *Standard*, and every other newspaper which he had had an opportunity of reading, for the encouragement and support which, during the last month, they had afforded to the cause of good order, as against the systematic and habitual disturbers of the peace. He knew the danger of praising the public press, and never before had he had the courage to do it. But he did it cordially and gratefully now. With such evidence, then, before him as was supplied in the selection of the speeches in the *Times* of that day, he must say if he had any objection to the measure of Government, it would be that it was wanting in rigour, rather than that it exceeded in any degree what the crisis required. As in the old story, the trumpeter, who sounded the charge and encouraged others to the battle, met with the same fate; so those guilty of encouraging in others the spirit of sedition ought not to pass in safety through the world. The object of the Bill had been most clearly explained by the hon. and learned Gentleman the Solicitor General; and it appeared that the five words to which the hon. Member for Montrose objected were not meant to suppress private speaking in Bryanston-square, or such private speaking as that alluded to in the case of Muir. Though he said this, he could never admit, with the hon. Member, that Muir was, as he said, murdered by the Scotch Judges. He was tried and convicted; and from what had fallen from the hon. Gentleman, it appeared that not more sympathy was expressed for his cause when he was dead than when he was alive; for it was after great difficulty that a spot was obtained to erect the monument to his memory. [Mr. Hume: A place was found in Edinburgh.] After an attempt had been made to obtain a site in London. The hon. Member had quoted a letter of Lord Holland on the subject. He was not one of those who agreed in the political opinions of that noble Lord, while he lived, and consequently could not attach any greater weight to the opinion expressed in the letter read by the hon. Gentleman, than to his opinions in life. He knew that the country would sustain the Government in maintaining the Bill as introduced. The feeling of the great majority in that House would equally sustain them; and he trusted that having introduced the Bill, they would not consent to any modification of it in Committee. The hon. Member for Limerick, who, it might be said, almost without a metaphor, had spoken with a halter about his neck, had defied the public feeling of the country and of that House. He thought the hon. Gentleman would be satisfied that the great majority in the House had only done themselves justice in the way in which they had received him. For one he was almost prepared, at the very instant when the hon. Gentleman rose, to ask him whether under such circumstances the House ought not to require from him, before he addressed himself to the question, an explanation of the conduct which he had pursued in the neighbouring country. It was true that the hon. Gentleman, before the conclusion of his speech, entered upon what he thought to be his vindication. [Mr. S. O'Brien made a sign of dissent.] The hon. Gentleman shook his head as if he had not intended a vindication; but let the House listen to the opinions of the hon. Gentleman, and they might at length be able to appreciate them. The hon. Gentleman said—" I went to France for the purpose of congratulating them on having generated a spirit of independence which I trust will react on my own country." That had a meaning, or it had not. If it had, did it not amount to this — that he went to France to congratulate them on having generated a spirit of independence which had issued in a republican form of government—a spirit of independence which, said the hon. Gentleman, " I trust will react on my country?" Did not that mean republican institutions for Ireland? [Mr. S. O'Brien had said, that what he desired at present was a Government of Queen, Lords, and Commons for Ireland; but that a republic would be the result if they persevered in the present system.] The hon. Gentleman had used the modifying words of " at present." " Whatever may be my own feeling," said the hon. Gentleman, " if you continue to act as you have done, you will have a republic." He had not, then, drawn an unfair conclusion from the speech of the hon. Gentleman. The hon. Gentleman further said—" I own I have been instrumental in asking my countrymen to take up arms." A little afterwards, however, the hon. Gentleman was inconsistent enough to say that he deprecated recourse to arms. Where, then, was the use of arming? The hon. Gentleman had also said that he would be glad to have the Orangemen armed. But what was the use of arming if they were not to use their arms? Under all the circumstances, though he would have preferred the Bill with some other restrictions, he was prepared to support it as it now stood. He trusted that the Government would be prepared to maintain it in its present position, and that they would not, for the sake of obtaining a few stray votes, consent to neutralise the character of the measure. They had been taunted for weeks past with allowing encouragement to be given to malcontents in both divisions of the empire. Their defence was, that they were really incompetent to suppress such agitation. He believed they were sincere in such a declaration, and that it was not unwillingness but incompetence that had kept them from acting. Now, when they had laid on the table a measure which would give them the requisite powers, he hoped they would not throw them away, for he believed they were necessary for the liberties of the people, which were never so nearly being compromised as when they were sought to be converted into licentiousness.

Mr. ANSTEY rose for the purpose of stating why he should give his hearty support to the second reading of the Bill. In answer to the question of the hon. Member for Montrose, he might state that at the present moment there was a law which subjected to the pains and penalties, not of felony, but of treason, persons who by open and advised speaking incited others to the commission of the offences alluded to in this Bill. There was a long series of decisions on the effect of the Statute of Edward III., by which he considered the principle of that statute was fully established in this country. And notwithstanding different opinions which two distinct juries had formed in a case which had been referred to in the course of the present discussion, yet no one ever doubted that the law as it had been laid down by Chief Justice Eyre, on both those occasions, was just and correct; that it was treason to compass or imagine the death of the Sovereign. And that, he maintained, was the common law in both countries. This had been so laid down two years before the passing of the Statute of George III. The proposed Bill was calculated to mitigate the severity of the existing law in England and Ireland; and as it was so, and an improvement on the law as to its effect under the ancient decisions upon the Statute of Edward, he was in favour of the Bill. He confessed he did not feel quite sure as to the doubts which had been expressed as to the Statute of George III. being in force in Ireland. The present Bill, however, was not confined to Ireland —it embraced the entire realm of Her Majesty. He regretted the circumstances which had led to the introduction of the present measure; but having, as he had, the pleasure of knowing the hon. Member for Limerick, he did not concur with Her Majesty's Solicitor General with respect to the motives attributed to the hon. Member. For his own part, he would have contented himself by giving a silent vote on the present occasion, but he feared lest his opinions might be misconstrued. He did not want to imitate the conduct of those Irish Members who wished to redeem their popularity, after voting for a Coercion Bill, by their opposition to the present measure; but although regretting as he did the occasion of its introduction, as he was satisfied that it was necessary, and an improvement of the existing law, he would vote in favour of the second reading of the Bill, and resist any amendment upon it in Committee.

Mr. AGLIONBY said, that very strong personal feelings upon the subject induced him to say a few words explanatory of the vote which he meant to give, and which he feared would be in opposition to the views of many of his political friends. He had often in the country mixed with people of the most extreme political opinions. He had encouraged them to state their views and their grievances frankly and fairly. He had often conversed with Chartists, and he had always met them with satisfaction, and come away from them with pleasure. [*Laughter.*] He did not mean the phrase in the sense in which the House, by its laugh, seemed to interpret it. He had never been glad to get away from the Chartists; but he had left them with pleasurable feelings at having heard them say so much that was so highly to their credit. As to this Bill, he thought that it had been much misunderstood and misinterpreted. He had anxiously studied the Bill, and he had come to the House prepared to say that he thought that Government had consulted the good and welfare of the subject by introducing the measure, and that the majority of the House would do well cordially to support it. He could not understand how the Bill was made out to be such a glaring infringement of the rights and privileges of the people as some of his hon. Friends seemed to consider it. The most important—indeed the all-important—portion of the Bill, was the third clause. Now, what was the common-sense meaning of that clause? Why, it provided that if any person should devise or intend to effect the death or destruction of the Sovereign, or to depose the Sovereign, or deprive the Sovereign of the crown, that that was an offence which ought to be severely punished. Surely that was a proposition which nobody could dispute. Then the next offence mentioned was the levying of war. Surely that, too, was an act which ought to be visited with condign punishment. Having then come to the conclusion that the offences ought to be punished, the next thing to be inquired into was the mode by which it was proposed to establish them. They were to be proved by "publishing in writing, by open and advised speaking, or by any overt act or deed." Now, "publishing in writing," were words absolutely necessary—it being requisite that a man should not only write, but make public, the treasonable matter. Then the next mode of proof was "open and advised speaking." Nothing, he thought, could protect the subject better than those words. It must be open deliberate speaking. The intention must be plain. [Mr. Hume: The clause might apply to words spoken at your own table.] He would stand up for no law which would prevent a man at his own table honestly avowing his own opinions. It was the intention to stir up disturbance which constituted the offence; but were he to bring masses of people into his own house, to his own table, and there use language of the nature described in the Bill, then, certainly, he ought to be made amenable to the law. It was a jury who would be called upon to discriminate between what was an honestly and openly expressed opinion, and that which was intended to excite masses of people to treasonable acts. After the Bill should have passed, he should assuredly express his sentiments just as he had done before; but he should certainly never speak them with any intention of exciting anybody to depose or make war upon the Sovereign. As to the expression, "open and advised" speaking, he thought the word "advised" a safeguard for the person making the speech. On these grounds he felt satisfied with the general principle of the Bill, reserving to himself the right of reconsidering details in Committee. When the Bill was in that stage, he proposed to move an amendment as to the clause providing the punishment of transportation for life, as also to move an addition to that clause, so as to bring the Bill into accordance with the Act of 1842, passed in order more effectually to prevent and put down the attempts to shoot Her Majesty—a Bill which had been found to have had the most wholesome and salutary effect.

Lord NUGENT observed, that the objections of the House to the Bill appeared to have narrowed to a few words in the third clause, relating to "open and advised speaking." From the general principle of the Bill, providing for the assimilation of the law in England and Ireland, no one seemed to dissent, nor had any doubt been expressed—and he hailed the fact as a good omen—relative to the mitigation of the penalties for treason, from death to transportation. His objection, however, to the words in the third clause had neither been removed by the speech of the hon. and learned Gentleman the Solicitor General, or by that of the hon. Member for Cockermouth. They were told to confide in the justice and the generous spirit of discrimination to be expected from juries. Still, however, he objected in reference to the difficulty of ascertaining as to whether the words charged had been fully and correctly reported. By the error of the reporter, or the malice of the informer, a different colouring might be given to the expressions charged, from that which the speaker intended that they should have. Now, a principle permitting this, was a dangerous principle to introduce into the law. He had drawn up a proviso which he intended to move in the case of the clause being agreed to, and which enacted that the words charged should be taken down in writing, and the report so made submitted to the person accused, either immediately, or within a week after his arrest, in order that the report might by him be admitted, or denied, or explained away; and that such words of admission, denial, or explanation, should be appended to the first report, and should be given on evidence at the trial; it being further provided that in case of the refusal of the prisoner so to admit, deny, or explain his words, the said report should be received, taken, and held as full and correct proof. He thought that such a proviso would be of advantage, and would accordingly move it in Committee. In the mean time he would cordially support the second reading of the Bill.

Mr. OSBORNE was anxious to say a few words before the House divided. He had voted for the first reading of the Bill, not having then clearly understood the exposition given of its provisions by the right hon. Gentleman the Home Secretary, nor the explanations afterwards given by the noble Lord at the head of the Government. But when the Bill was put into his hands, as soon as he saw those five words—"by open and advised speaking"—words held by more than one hon. Gentleman to be trifling and of no account, he was so much struck with curiosity at the novelty in legislation which they appeared to introduce, that he came to the conclusion that any hon. Gentleman would be justified in moving a delay in the second reading of the Bill; and that he, for one, would go out into the lobby one of that small minority which he feared would only be found to support such a proposition. He held that the Government, in providing for the security of the Crown, should attend also to the security of the people. By such an Act they would not be effecting any such purpose; and if they were by it, on the other hand, to shake the security of the people, they would be striking a deadly blow not only at the Government, but at the Crown of this country. He had another objection to the passing of the Bill hastily through the House. The Government seemed anxious to take advantage of the excitement of the present time, so as to hurry on the Bill with indecent haste—with more haste than they would use in the case of a common Turnpike Trust Bill. He warned the House against this precipitate legislation. He warned them against being carried away by the special pleading of Chancery lawyers. So long as the Crown did its duty to the people and the country, so long would he support it; but were the Crown to forget the duty it owed to the nation, then he would hold himself absolved from the duty which he owed to the Crown. But while he offered no slavish professions of duty either to the Crown or the Government, he held himself to be quite as good a subject as the noble Lord the Prime Minister. He trusted, then, that the House would not proceed to legislate in headlong haste against the privileges and liberties of the people. He could not let the opportunity pass without adverting to the painful display which the House had that evening witnessed. It was not for him to criticise the conduct of the hon. and learned Gentleman the Member for the county of Limerick (Mr. S. O'Brien), whom he respected for his sincerity and honesty; but he could not let the speech of the right hon. Gentleman the Home Secretary pass without some observation. It was all very well for the right hon. Gentleman to get up and say that Government wished to promote the peace, prosperity, and riches of Ireland. But here they had been two years in office, and what had they done to promote either its peace, its prosperity, or its riches? He, for one, would not be a party to the indolence and imbecility of the Treasury bench. He could tell them they were dancing upon a volcano; and if they would not or could not legislate for Ireland, they ought to retire, and make room for those who had both the will and the power to do so.

Dr. BOWRING said, that the right hon. Baronet opposite was ready to support the Government because this Bill created no new political offence, and did not increase the punishment. It was quite true that these offences were punishable by death; but that law was a dead letter, and the object now was to give vitality to the law, so that its effect was to create new political offences. The discussion was now centered upon the offence of open and advised speaking; and it was certainly that which distinguished this Bill from all others. There was a great distinction between words spoken and words written and published. Of the former there was no certain record, and it was most satisfactory to appeal from a bad law to a good jury. He wanted security in the positiveness of the law itself; and not in the good conduct of juries, upon which the hon. Member for Cockermouth was willing to rely. The House was well acquainted with the case of Mr. Winderbottom, who was punished for words which he (Dr. Bowring) believed were never spoken by him. Then, as to the overawing of Parliament, Parliament was constantly overawed by public opinion. What was the meaning of that pressure from without to which both the noble Lord and the right hon. Gentleman opposite had yielded? Was not that an overawing of Parliament? Further, it was very dangerous and impolitic to pass laws under the influence of a temporary panic. Almost every Act of liberticide had been passed under such circumstances. It was the legislation of passion and hatred, and not of that calm and serene philosophy which ought to be the groundwork of all laws. This was not a time for widening the breach between different classes of the community. If ever there was a time when it behoved them seriously to consider whether the national representation ought not to be enlarged, it was the present. England had set a noble and encouraging example to other nations seeking their enfranchisement; but the time had come when they should ask themselves whether they ought not now in their turn to do something for their own security, and place their institutions on those broad foundations on which alone they could rest in security.

Mr. W. P. WOOD quite agreed with those who thought this Bill should pass very speedily in some shape or other. Without entering into the extraneous matter introduced by hon. Members in the course of the debate, he would apply himself to the main question before the House, namely, how far this Bill could be approved of, either in its entierty or with some modifications. The question of the omission or insertion of "words spoken," was properly a matter for Committee. But whoever thought as he did, that the Bill was very excellent in so far as it proposed to extend the sphere of the Act of 1796 to Ireland, and to modify its provisions by reducing certain offences from treason to felony, must vote for the second reading. Although he objected to the words "open and advised speaking" forming part of the Bill, he should, nevertheless, vote for the second reading, because he thought that objection was properly reserved for the Committee, where he should not feel himself precluded from voting against their insertion. With regard to the insertion of those words in the Bill, he would say, that words spoken, implying an intention to levy war against the Queen, were even now a high misdemeanour; and, therefore, if the words "by open and advised speaking" were left out of the Bill, the offence would still be severely punishable. He apprehended that there was a marked distinction between treasonable words and treasonable writings. It was a distinction which had been recognised by the law from the earliest times, and the insertion of the words in question in the clause would be the introduction of a new principle. It was true that in the time of Edward IV. an Act had been passed by which the saying of treasonable words was considered as high treason, and two memorable convictions took place under it: one that of a man who said he could make his child son and heir to the Crown, which was the name of the tavern he kept; the other of a person who, having been punished for the slaughter of one of the royal bucks, said he wished its horns were in the King's belly. But it soon lapsed, and no other instances occurred of its ever being carried into effect. From that time the offence of "speaking" words became separated from that of "writing and publishing;" and the reason for the distinction was, that words might be spoken under the influence of temporary heat and excitement, whereas the other was the graver and more deliberate offence of committing to writing and publishing the words so uttered. The hon. and learned Gentleman quoted Blackstone's Commentaries for the principle of the law in this respect, as laid down by that learned Judge, wherein, after a definition agreeing with that of the hon. and learned Member, he referred to Prynne's case, under 4th Charles I., in Croke's Reports, where the Judges certified as to certain words spoken by the defendant, that though "they were as wicked as may be, yet were they no treason, because words spoken required a particular act to make them so." By the present Bill the Act of 1796 was to be extended to Ireland, and, with the exception of the words introduced for that purpose, the Bill was verbatim the same as that which had been so long applied to England. But he would ask was not 1796 a time as full of terror and as formidable as the present? Language was used at that period by men of high station of the most exciting character; and yet the words which it was now proposed to introduce had not been inserted. It had been intended by Mr. Pitt to introduce them at first, but he did not persist in that intention. A trace of that appeared in the second clause, which set forth that the saying of any words bringing the Government into contempt should be a high misdemeanour, and on the second offence a felony; but there was a wide difference between the offence of words spoken and of overt acts. That Act had been originally passed but for three years; and if the Government had made their present Bill a temporary measure, he should have felt more inclined to support it. The Act of 1796 was made permanent by the Act of 1817, which was the period of the disturbances at Manchester, and of great agitation and tumult throughout the country. The Minister of that day did not regard very favourably popular demonstrations of opinion; but even he made no attempt to extend the operation of the Act by including words in overt acts. It was a matter of high consideration with him; and he deeply regretted it should have been thought necessary to introduce those words, making the offence a felony, because the proof was not matter of evidence merely, but matter of enticement, and the class of persons addressed was to be regarded as much as anything thing else. The people likely to be caught by this Act were not the secret leaders and crafty men who instigated others for their own aggrandisement, because they would in all probability be well advised enough to keep clear of its provisions; but those foolish young men, who, yearning only for popular display, set no measurement to their words, while they harboured no deeply-laid or formidable plans against the peace of the country. When they read all the wretched stuff uttered at the meeting calling itself the National Convention—all the ferocious nonsense of the "forcible-feebles" there assembled—they could at once see there was no real danger to be apprehended from those men. The really formidable and dangerous designers were those who urged these men on, and had the heart to conceal their mischievous and treasonable objects by the use of moderate language. A letter or two—an instance of which came under his notice very recently — might make all the difference between guilt and innocence in the utterance of words, and he therefore objected to this part of the Bill, though he admitted that some alteration was needed with respect to the law for seditious language. The defect to which he alluded was that when persons had been held to bail for such language, they went abroad before their trials came on, and, making use of their bail, exceeded all their former violence of language. He would propose to meet this by enacting that offences of such a character should be high misdemeanours, not bailable at all. This would at once meet the evil most complained of, and remove the present reasonable objections to the Bill.

Captain **ARCHDALL** said, the hon. and learned Member for Limerick had presumed to question the loyalty of the Orangemen in Ireland. He had stated that they were dissatisfied and discontented—consequently that Her Majesty's Government could not trust them in a case of necessity. Now he was of opinion that the conduct of the Irish Orangemen every day sufficiently contradicted that suspicion. It was not pretended that the Orangemen were satisfied, for they had had many reasons to be dissatisfied. They could not forget the great discouragement which they had met with from the noble Lord at the head of the Government. They could not forget that that noble Lord had brought in a Bill especially intended to put them down. They could not forget that they were one day lauded, and the next day persecuted by the right hon. Member for Tamworth (Sir R. Peel). Yet under all these circumstances the Orangemen of Ireland had remained steadfast in that loyalty and attachment to Her Majesty and the Throne which the noble Lord Lieutenant of Ireland had so wisely and independently acknowledged. There was a wide distinction between dissatisfaction and disaffection. And he now told Her Majesty's Government with perfect confidence, that if they would only give a fair share of support to Protestant principles in Ireland, they might set at defiance ten thousand Smith O'Briens. He thanked the Government for having so promptly introduced the present measure; and he believed that if they would but take firm hold of the leaders and instigators of rebellion in that country, and put on the thumb-screw with sufficient energy, it would have far greater effect in producing peace and quieting the Irish people than if they hanged up ten thousand of their poor deluded followers.

Mr. **MUNTZ** wished to explain that he had voted for the Bill at first in ignorance of its precise contents and character. He wished to allow the Government full power to do everything calculated to promote peace and good order; but he could not consent to the introduction of words into any Bill by which he or any one might be charged with felony on the evidence of a single person. He had not much confidence in juries, more especially as he was persuaded both they and Judges took vast liberties with facts where politics were concerned: and he must vote against the second reading of the Bill, inasmuch as he could not consent to risk the liberties of the people on the interpretation and use of the words to which he so strongly objected.

Mr. **HENRY DRUMMOND**: I feel much disappointed, Sir, that there has been no intention manifested or expressed on the part of Her Majesty's Ministers ever since the meeting of Parliament to fulfil that ordinary maxim of prudence, *Venientœ occurrere morbo*. It appears to me that while they had sufficient penetration to perceive the coming of the great pathological influenza, they could not see the deeper and more mischievous signs of the time in the coming of that moral influenza which has broken out simultaneously throughout all Europe. I wish I could say that these matters turned on mere political evils; but I look upon them as lying much deeper. I think that the mischief is this—a total discontent among the masses of those countries with their social position. This social position they are vainly attempting to remedy by a change of political influences and institutions. This is neither more nor less, whether they intend it or not, than a spirit of discontent with the Providence of God. Sir, it is as absurd to suppose that we can alter the constitution of society as it is to suppose that we can alter our own constitutions—as it is to suppose that we can make every man six feet high or five feet high; or that we can give to every man what measure of talent or what measure of folly we wish—what measure of wealth or what measure of advantageous circumstances. By vainly attempting these things you have increased the moral irritability which makes the disease incident to the lower classes more intolerable than it would otherwise be. You have stimulated them by that which you call education and by your schools, in which it has been said, by one of the most striking writers of the day, that you teach them everything except the one thing needful. Sir, I say —and I mean to prove it if you will hear me—for I am one of those vulgar people who believe that the correlative of a speaker is a hearer—I am of opinion, then, that hon. Gentlemen have hitherto turned the discussion of this evening chiefly upon the words of this Bill, which words I most humbly think would better be considered in Committee, and that I should be more in order by departing from most of the observations I have yet heard, and confining myself to the question as to the necessity of enacting some such measure as that which is now proposed. I find, too, that there has been, involuntarily I believe, on the part of every speaker, yet certainly a most remarkable unanimity of sentiment in connecting the disturbances in Ireland with the circumstances occurring in this country; while my opinion is that if there be any connexion at all it is of the most indirect character. It is perfectly true all that we see here and all that we see there are but phases of the same malady which pervades all Europe; and the hon. Gentleman opposite (Mr. Wakley) knows well the truth, when I say that the same disease puts on very different symptoms in different constitutions. It has been distinctly asserted at the meetings of the Chartists—

> "that the time had arrived when the world could do without Royalty, and so get rid of Kings and priests, whom our forefathers in their ignorance deemed it necessary to make governors. It was more than probable danger would overtake them very soon; and he would have the Convention resolve itself into a Parliament, and a struggle take place as to which of the two Parliaments should submit. The moment was assuredly coming when bravery, integrity, courage, and fidelity of the new delegates would be put to the test, for their enemies were making preparation for the day of trial."

I do humbly think, notwithstanding the references which have been made to the year 1798 and so forth, that there was nothing at that period so overt in the way of rebellion as this. I remember very much of the proceedings of those secret societies—I very well remember the case of Muir and others, and of the Corresponding Society; but nothing occurred in those days which went to such a length as this. But what I am anxious to show is, that the question now at issue is not as to this or that institution—it is not a question of monarchy against republicanism. I know, and give full weight to all the arguments that may be urged in favour of the one against the other; but the question is not between republicanism and monarchy—it is whether the whole institutions of society shall become upset and perverted. It has also been said by one of the speakers at the meeting of delegates—

> "that the people would be sunk for ever unless some great change was effected in the institutions of the country. Free trade had been tried in the balance, and found wanting. It had signally failed. The trade, foreign and domestic, was stopped, and the result was that the people were brought to a starvation rate of wages, and were reduced to a most destitute and pitiable condition. The products of improved machinery went into the pockets of the free-trade capitalists and millowners; and yet the working classes, thus reduced, were called upon to bear an intolerable and increased burden of taxation; and the question had now come to this, that either the working classes must perish, or a change must be made in the nation's institutions. The people would not quietly submit to such scenes as had been enacted in Ireland during the last eighteen months; they would no longer listen to the promises of John Bright and Company."

Who John Bright and Company means I neither know nor care. I beg I may not be misunderstood. I trust I shall not be considered as intending the slightest disrespect to the hon. Gentleman of the same name opposite; but I beg to assure him that I have purposely refrained from inquiring whether he be the person meant or not, because I wish to be at perfect freedom to speak without any reference to any individual. I take the person here named to be a great master manufacturer. I take the essence of this to be, that the labouring classes think that they can better their condition by reducing the profits of the master manufacturer. Now, I speak for the interests of the operatives and the labourers, and not for the master manufacturers, when I tell those labourers that their best chance of prosperity is by increasing the capital of their masters. It is perfectly true that the measure of free-trade may have increased the capital of millowners and manufacturers, without improving the condition of the working classes; but I say it is impossible for the men under any circumstances ever to be in a prosperous condition, save as their masters are in a prosperous condition. The whole question resolves itself into this—how can the amount of money wages be increased? It is believed to be practicable to effect it by legislation; and that is the ground of the opinions that are now afloat. I have already stated that it is the determination of the people on both sides of the water to alter the social condition of this country; and we all know—and here again I am sure of the support of the hon. Gentleman opposite—that in all chronic cases —cases that are all but deemed desperate and incurable—we are apt to have recourse to nostrums, to mesmerism, to St. John Longs, and other quacks. But the only chance for effecting a cure in such cases is to judge from the past what is likely to come in the future; and it is my conviction that any one who attempts to say that he can, by a new constitution of society, alter and amend the condition of the labouring classes, especially by bringing them, under pretence of a cry denouncing free trade, to battle against their employers, not only grossly deludes them, but is himself an abominable quack. I do not believe in any new revelation of the sort. I do not believe in what was said in a celebrated State paper the other day—and that we were about to establish a new code of Christianism by which to regulate the world. And yet it was in consequence of all this treasonous trash, in which the men of Dublin took a more especial delight, that the people of this country, too, were now for a moment in a state of treasonable agitation. The hon. Member for Nottingham, as delegate for Leeds, at a recent meeting, held forth in this manner :—

> "If he was not prepared with a new system to succeed the present one—a new system which would enable every industrious man to live honourably, independently, and happily—he would not give a snap of the fingers for the Charter. (Hear.) But he had studied the question of the rights of labour, both theoretically and practically—he had devoted days and parts of nights to the consideration of the means of elevating the industrious classes, and he was ready, if he had the Charter granted to-morrow, to put every man willing to labour to work, and to obtain double and treble the wages he now earned."

This same Gentleman told us the other evening that he, in the midst of this disloyalty, was the only loyal man—that "he amidst the faithless, was faithful only found." He described himself like one of the fabled virgins of the poet :—

"Una de multis, face nuptiali."

To be sure the poet adds—

"Splendide mendax
et in omne virgo nobilis ævum."

Men who will trifle with the distresses of their fellow-creatures may pretend to bring to them light from Heaven; but they really only bring to them a glare from the bottomless pit. There seems to me not much courage nor much wisdom in thus acting. Here is avowedly a determination to form a national convention, and to call upon the country to obey it, and not to obey the Queen and the Government. Now, Sir, I go a great deal farther than most of the Gentlemen with whom I act in thinking that we have done nothing as we ought to have done towards reducing the expenses of the public establishments. I think we ought long ago to have extended the elective franchise—that we ought long ago to have shortened the duration of Parliament—and I think many other things upon subjects which are not now before us; and I have only abstained from alluding to these circumstances before because I did not like to thrust myself into other men's labours, and which I thought would be undertaken by others. But rather than suffer this Charter to be passed by as a foolish thing, leading to nothing, I myself will bring in the measure. I repeat it, that should a war ensue, it will no longer be a question as between republicanism and monarchy; but I do fear it will be as was foretold by Mr. Canning, many years ago, when he said that the next war that would desolate Europe would not be a national war, but a war of opinions—a war of country against town, of village against village, of man against man. This is the war that I am afraid of—this is the war of which I see gathering the elements on every side. The maxim of the "divine right of kings" has been nothing but a source of power in the hands of tyrants to inflict oppression on the people committed to their care, and a means in the hands of Ministers to saddle their own friends on the public purse. But, nevertheless, there is reason in the maxim, when rightly understood. That all right of government proceeds from the people is a truth, if it be a truth void of fruition; for it is, practically, an impossibility. You may talk, indeed, of a Government in which nobody governs, and in which nobody is governed; but no other Government than that which now exists can you have. The present danger is that you may be without any Government at all; and therefore I say, whether this measure be the best or not, and whether it be rightly or wrongly worded, I argue no longer, but consent to give this power to the Government in order to preserve to them the power of governing at all.

MR. BRIGHT thought the question had been much lost sight of, particularly by the last two speakers. The hon. Member for Surrey had expressed his fears that there was a feeling existent in this country which would, at no distant day, array the great mass of the population who did not possess wealth against that portion by whom it was possessed. He admitted there was among a part of the people the feeling to which the hon. Gentleman had alluded; but he had the greatest consolation in believing that that feeling was not very widely spread. He was perfectly certain, with respect to the population of Yorkshire and Lancashire, that amongst that portion of the people who were most employed in connexion with the most perfect and expensive machinery, of late years there had been a very wide spread of intelligence on most questions of capital and labour, and that it was acknowledged by the great majority of the working population of those counties, that wherever there was the largest amount of capital in the hands of the trade or the particular manufacturer, the labour of those employed was most constant, and the remuneration the greatest for the labour done. But let it be borne in mind that persons who found themselves for a long period in great distress came to the consideration of those questions under most unfavourable and often irritating circumstances. Let it be borne in mind that they were cognisant of the great fact which the House must soon boldly look in the face, that out of seven grown men in this United Kingdom, only one man was directly represented in the Commons' House of Parliament. They naturally expected that if they were directly represented, they would be able to obtain a more equal distribution of the wealth of the country. The Bill before the House appeared to him to prove one of two things—either that our Government were getting worse, or that the people were getting worse; for now, having for generations carried on the government of the country without this law, they were in the year 1848, after all the improvements they had heard so much boasted of, about to introduce a provision which in 1795 or 1796 Lord Grenville was obliged to withdraw from the Bill of that day, and which was then most strongly objected to by a relative of the noble Lord at the head of the Government, the Duke of Bedford. He was not going to object to the first part of the Bill, which came before the House as a great mitigation of penalties, though it should be borne in mind that the penalties for treason could now for the most part not be carried into effect, and that the substitution of the penalties of felony would have for its practical effect, that it would bring many men before the courts, who, if convicted, would be liable to transportation; whereas, as the law now stood, they could only be indicted for treason, and receive the punishment of a misdemeanor. The Solicitor General had seemed to say that the words in the Bill "open and advised speaking," referred only to the expression of an intention to levy war; but he questioned if any man in England could read this clause, and say, without fear of contradiction, what it meant, so vaguely and loosely was it worded. As he read the clause, it meant that if anybody should express such compassing, imaginations, devices, intentions, or any of them, they were liable to be charged with felony, and to suffer the punishment awarded to that offence. He had yet to learn that it was wrong for any Member of that House to speak in favour of a different form of government, or that it was a crime in this country for any man out of the House calmly and deliberately to argue the question whether it might not be very advantageous to have a total change in the form of government in this country. He advocated no such change; but it was the more necessary that the House should deliberately consider what would be the effect of this Bill if it became law. He believed the Government were taking a most unwise course in seeking to extend this law to England, because at the present moment there was danger in Ireland. He should like to ask the Attorney General whether it would not be possible to issue a special commission in Ireland for the purpose of trying parties who were charged with sedition? which would obviate the complaint now made, that parties accused of that offence might go to France, or make seditious speeches before their trials came on. That would be a much wiser course than the Government had rashly adopted in the present case.

MR. JOHN O'CONNELL objected not only to the details but to the whole of this Bill. He had heard some Gentlemen on that side of the House express their sorrow that the opponents of the Bill would be in such a small minority; but he was only glad to find that it would be so considerable. He was glad to see English Members at last rallying against coercive measures, betrayed as they had been into a fatal facility of consenting to coercive measures when applied only to Ireland. The learned Solicitor General seemed to think that it would be the easiest thing in the world to find judges and juries ready to put the most favourable construction on the words of an accused person; he did not know what might be the case in this country, but he knew that in Ireland it was the most hazardous thing in the world to leave the construction in the power of a judge and jury, even in the city of Dublin. The parties against whom this measure was said to be directed were about to be put on their trial; it would then be found whether there was really any serious difficulty in the law, and it would be quite time enough to come to the House after Easter, and ask for the alteration of the law to render it more stringent, if the existing law should be found insufficient for the ends of justice. He most earnestly deprecated the adoption by that House of any measures which might have the effect of exciting or irritating the minds of the Irish people under present circumstances.

MR. SHARMAN CRAWFORD said, he had abstained from voting against the Bill on its introduction, because he did not then fully comprehend its meaning; but the more he considered the matter, the more he was convinced that the clause so generally objected to by Members on that side was of a nature which the House could not agree to. He thought if the Bill passed, no man attending a public meeting to petition for a redress of grievances was safe from being liable to transportation for life. He did not see anything in the condition of Ireland to justify this Bill. He considered that this Bill was practically a repeal of the Habeas Corpus Act, and therefore he should give his vote against the second reading.

MR. WAKLEY said, that after the appeal which had been made to the Government he thought it was unfortunate that the noble Lord at the head of the Administration had not stated that he had no objection to modify the objectionable clause of the Bill. Considering the nature of the subject and the excitement which prevailed upon it, he had never heard any Bill more calmly discussed in that House than the present Bill had been. He, therefore, thought the Government ought to have intimated that the objectionable portion of the Bill would undergo modification. The hon. and learned Solicitor General had given his opinion in a frank and manly manner upon the clause; but at the same time other hon. and learned Gentlemen had given their views of its construction, and at that moment there prevailed in the House the utmost diversity of opinion with reference to what would be the action of the law if the Bill should be carried in its present form. Was such a state of things creditable to the House? Assuredly not; and assuredly it was not for the safety of the subject that such a measure should become the law of the land. It had been said that judges and juries would comprehend the measure. Why, if it was not comprehended by those who made it—by those who manufactured it, by those who had introduced the words and constructed the clauses—he asked how it could be expected that judges and juries could do so? What he wished was, that plain common-sense words should be introduced into the statute. The hon. and learned Member for Oxford (Mr. Wood) had made a very excellent speech upon this subject—a speech not less able, not less lucid in all its facts, than the one made by the hon. and learned Solicitor General; and those hon. and learned Gentlemen, belonging as they did to the legal profession, were opposed as the poles in their opinion as to the construction of the clause. The hon. and learned Gentleman the Member for Oxford consented to vote for the second reading of the Bill. Now, those who voted for the second reading must be prepared to see the measure carried in its present form. His own impression was, that he ought to move the adjournment of the debate, in order that the House, as well as the country, might have time for consideration upon this most important measure.

Whence the necessity for this breathless haste? Considering the excitement which prevailed, he thought this was not the period for legislating permanently on a question of so much importance. Had a new light broken in upon the Government within the last week or fortnight, so as to render necessary the enactment of such a Bill as this? As far as he could judge, open insurrection had been preached in Dublin for the last six weeks, and the Government had almost appeared to neglect it. Certainly they had done nothing to prevent it. Public speakers in Dublin had declared that they would resist the law. The manufacture of pikes had been carried on openly, and pikes had even been sold by public auction in that city. He thought that in November last that House passed a Bill to give the Lord Lieutenant of Ireland the power to proclaim disturbed districts, and to issue special commissions for the trial of the offenders. He was one of those who believed that the present law, if carried into effect, would be amply sufficient to repress the crime exhibited in Ireland. But it appeared to him that there was a remarkable supineness on the part of the Government with regard to exercising the powers which had been placed in their hands. Of what use was the measure to which he had just alluded, if it could not be applied in Dublin? The Government had made out no case for the enactment of the Bill now under consideration. At all events, the people of England ought not to be saddled with such a measure on account of offences committed elsewhere. He regarded it as a gagging Act, and not less gagging than the Six Acts passed in 1819. If, however, the objectionable words were expunged, seeing the feeling of the House, he, for one, would offer no further opposition. But if the words were retained, he would join with others in offering, at every stage and at every step, the most determined and unflinching opposition to the Bill. The Government had been overwhelmed with fear at the prospect of the meeting of that day, for the presentation of the monster petition; and yet so far as he could learn not a single case of common assault had occurred. The people of this country believed that they were deprived by that House, and by the House of Peers, of their just political rights; and he believed so too. He further believed that they never would relax in their demands—their reasonable and just demands—until their rights were conceded. He also firmly believed that the concession of those rights would add to the security of property and the security of life, and would place the Throne of the kingdom on a basis which would render it absolutely immoveable. When he heard from the Irish Members of the horrible destitution to which the people of Ireland were reduced, and when he found that they were only visited with coercion laws, he said that the people of that country had a right loudly and indignantly to complain of the treatment they had received from the Legislature of this country. We were now in April, and yet the only measure that was brought forward for Ireland was a Landlord and Tenant Bill, which would create nothing but discontent and dissatisfaction. Thousands were dying of starvation—the poor-rates were eating up the rents, and in the face of that the present Bill was brought forward. The speeches of the violent agitators of Dublin would be powerless, if it were not for the suffering and destitution which existed amongst the people. The present measure would create more discontent than any measure that had been passed of late years. Every body in that House must be anxious to put down violence by reasonable and just means; but he could not believe that the House would enact a law for a specific purpose, when that law was to operate generally, and to have the effect of injuring to a vast extent the right of expressing public opinion. He would, therefore, humbly suggest to the House that the second reading should be taken without a division, upon the understanding that the Government should go into Committee *pro formâ*, and make the necessary modifications with regard to the clause which had raised so much objection. But if the Government did not consent to that arrangement, but proceeded to retain the words as they stood in the clause, he, for one, must certainly insist upon a division; and if the Government should not modify the clause in a future stage, he should oppose the Bill at every step.

LORD JOHN RUSSELL: In answering the appeal of the hon. Gentleman who has just sat down, I shall not occupy, for any long time, the attention of the House. Let me first observe that I cannot, on the part of the Government, accept the proposal which he has been good enough to make to us to commit the bill *pro formâ*, and amend it with a view to future consideration. So far from agreeing to that proposal, I declare at once that except some verbal change may be proposed, there is no part of the Bill which I can consent to alter when we are in Committee. Sir, the hon. Gentleman, in declaiming against this Bill, and attributing to it a character of great harshness and violence, will, I think, mislead those who attend merely to his speech. I, therefore, beg to state again what is the present state of the law. By the 36th of George III. you have in England the character and penalty of high treason applied to more than three descriptions of cases; and there are three descriptions of offences to which the present Bill is proposed to apply. You have the penalty of high treason applied to those who intend or compass the deposition of the Sovereign. You have the same penalty applied to those who intend or compass levying war against the Sovereign. You have the same penalty applied to those who are applying for aid to foreign Powers to invade, by force, these realms. Such is the state of the law at present. With respect to all those offences which the hon. Gentleman seems to think ought not to be punished with transportation, there is now affixed to them the penalty of high treason. What we propose is, that instead of the penalty of high treason, those offences should be declared felony, and that the persons guilty of them should be liable to transportation. As the law at present stands, those who commit those offences by publishing any writing may be found guilty of high treason. We propose to carry that provision further, by saying that those who commit those offences, and declare their purpose, and intend either deposing the Sovereign, or levying war, or inviting a foreign force to invade the kingdom by open and advised speaking, will be liable to banishment for those offences. I am not going to defend that particular clause of the Bill. I stated the reason the other night why I thought that clause defensible; and my hon. and learned Friend the Solicitor General has most clearly and ably explained the purport of the clause, and the reason why it was introduced, and I will not now again refer to it, as there is no doubt that the words will be objected to in Committee; but the other alteration that we make is, that it is proposed that this law shall extend to Ireland. Now, I do not think, omitting the course of argument that may be taken upon the extension of the penalty to words—I do not think it is a proposal to which reasonable objection can be made, either to diminish the penalty for those offences, or to extend the Act to Ireland. Does the hon. Gentleman, or does any one, mean to say that the intent to commit those offences against the sovereignty of the kingdom—against the peace of the kingdom, and to invite a foreign force, are not grave and serious in their character? Does he not think that if they are punished as grave offences—that while it may be fit so far to mitigate the law as to take away the punishment of death, it may be right also to make the law of more practical effect by taking away the solemnities of trial for high treason, which, as we know, so well prepare the mind for condign punishment of those who may be found guilty, but which very often offer a great obstacle to the punishment of those who have committed very serious offences. Sir, the hon. Gentleman, however, asks why it is that such a law should be introduced? and he tells us, that at a time when there is so much fear prevailing, and so much excitement, he wonders we can introduce it. Sir, I will tell him in answer, that I think it is on account of that excitement, and of that fear, and of the mischiefs that excitement and fear are producing, that we are justified in introducing this Bill. I admit to the hon. Gentleman, that excitement and fear have prevailed; and I think no one who has read the speeches that have been given in the newspapers as delivered in this town in the last week, or in Dublin during the last month, can have doubted what has mainly been the cause of this fear and this excitement. And, Sir, while I rely generally upon the support of the people of this country to oppose such machinations, I say at the same time that there is one great and numerous class of the people who are more peculiarly interested in a speedy cessation and suppression of such excitement and such fear; and in so speaking, and in asking that this House and the people generally should agree with us, I should not appeal to the gentry of England. I know their high spirit would induce them to come forward at any time in favour of the institutions under which they live, and which have been the glory of this country. I would not appeal to the middle classes of this country—I believe the whole of them to be most loyally affected, and at the same time there is no need whatever of apprehending that they may be misled by the arguments that have been addressed to their passions. It is not to them; but, Sir, it is the working classes of England more especially who are exposed to danger by the excitements which have been addressed to them. It is they who would be the sufferers, as the hon. Member for Manchester very well knows, by any thing that would derange the peace and good order of this country—by any thing that would induce men to refrain from applying capital to industrial undertakings—by any thing that would induce a suspension of trade, or any cessation of those enormous occupations from which profit and wages are derived. It is those classes especially, then, for whom it is to be feared that they will suffer if any interruption of the peace of this country or of Ireland should take place; but if that is the case, is it not fit—is it not for their interest—that we should interfere as much as possible to put an end to those excitements? Is it not fit that we should interfere as much as possible to punish those who, by urging them to commit breaches of the peace—who, by urging them, in fact, to overturn the institutions of the country—are putting in peril the welfare of those classes most expecially to whom they address themselves? If I am right in this supposition, the hon. Member for Finsbury, who takes so much interest in the welfare of the working classes, instead of opposing the passing of this Bill, should be one of the foremost to promote it. I must likewise address myself to the hon. Member for Manchester, who knows so well how very susceptible those who deal in the capital of this country, and those amongst us who carry on trade with foreign countries, are, in every case of disturbance to the peace and good order of the community. He is perfectly well aware, amidst all the new-fangled theories respecting the organisation of labour now thrown upon the world, that nothing is so serviceable to the labouring men of all countries, as that there should be a great number of employers who own the capital on which enterprise is founded, and the necessity for labour created. If this is the case, and if the hon. Member for Manchester distrust as I do those projects put before the working men, in which they are told, that by some future organisation of labour they will hereafter be secured in a perpetual situation of competence, and almost of riches; if, I say, we distrust those theories, he will think, with me, that it is essential at this time that we should take all means in our power to put an end to those disturbances and to those fears which are now agitating society. And I must tell the hon. Member for Finsbury, with respect to Ireland, with regard to which he reproaches us, that, although we may introduce Bills which we think for the benefit of that country, but which he may think useless and ill-framed for regulating the relation between landlord and tenant, and other Bills of a similar tendency—I do not call such legislation the great and main business of the Parliament and Government of this country. I consider such enactments as exceptions to our general sphere of duties—sometimes justifiable, sometimes beneficial, sometimes even peremptorily necessary; but I deny that they form the great business either of the Government or the Legislature. Those who are the most competent to regulate the relation between landlord and tenant in Ireland are the landlords and tenants themselves; those who can best regulate the relation between the employer and the employed are, generally speaking, the employer and the employed themselves. So likewise is it with regard to the other relations of society. Sometimes we may think fit to interfere; but I have always contended that those laws are to be defended as exceptions—as exceptions only in particular cases in which interference may be desirable; but that which is the main business, and the constant business, of the Government and of the Legislature likewise, is to see that the landlord and the tenant, the employer and the employed—that those, in fact, who carry on the peaceable occupations of industry, whether in the country or in the town, shall be protected by the law so long as they respect the property and lives of others; and that the law shall interfere, and that the strong arm of power shall interfere, against those who disturb them in those peaceful, useful, and beneficial relations. Such is the purpose to which the Government and the Parliament should direct their constant attention—such is that which society cannot do for itself—such is the task which private individuals cannot arrange one with the other—and such therefore is the task to which Government should chiefly and mainly direct itself. It is to that purpose that we direct our efforts in the Bill now under consideration, in the hope that we may be enabled to maintain in this country and in Ireland a state of peace and security—a state in which the offender against good order and tranquillity may feel that he can no longer hope to escape by the grand name of being a martyr to the laws of high treason, and to protracted inquiries and tedious litigations, by which, however guilty, he does not incur the penalty of capital punishment. It is effectually to punish such persons, and to maintain inviolate the necessary principles of Government, that we have brought in this Bill. If anybody could doubt—if anybody could hesitate as to the value of that internal peace, and as to the duty of the Government to preserve that internal peace, that which has occurred this very day abundantly attests the value of those benefits. What would have been the state, not of what are termed the upper classes, but of the working classes, if some of those incitements to crime, of which we have seen so much within the last few days, had been successful, and this town had been to-day the scene of confusion and bloodshed? And what is the state of the case now, when, owing to the staid, admirable, and majestic conduct of the great body of the people—when, owing to the respect which the people have paid to the name and authority of the law—when, owing to the attachment and love that they bear to their institutions—when, owing to the respect and confidence which they repose in those demonstrations of force which the Government has at its command, and which thus backed are most powerful, but which, without the concurrence of the great body of the population, would no more keep the peace in London, than it was kept in Berlin, Vienna, and Milan—public order has been maintained inviolate, and the lives of the community have been preserved? When those courses are thus successful, and when we contrast our situation as it stands to-day with what it might have been if the event had been otherwise, there is no man but must put higher value on the maintenance of that peace and security of society on which not only the preservation of our institutions, but the daily comfort and the daily subsistence of the great body of the people mainly depend. I can assure the hon. Member for Finsbury, that if I could at all believe that the liberties of this country would be invaded by this Bill, I would not be a consenting party to its introduction. I believe myself that that power of free discussion, whether by the press, whether by public meetings, which the people of this country now enjoy, will be enjoyed as fully after this Bill passes, as it is now enjoyed; but at the same time I believe that some reckless men will be checked in their career of excitement, and that, while those who should rise in arms, or those who should commit offences against them, will be strictly punished by the law, those who excite and urge others to such offences, will be no longer safe in their impunity. It is for this purpose I ask you to consent to the second reading of the Bill. If I am told it is a Coercion Bill for Ireland, I can only reply it is the same law under which we propose to put England and Scotland. With confidence, therefore, I ask the majority of this House to agree to the second reading.

Mr. HORSMAN rose to speak, but the House being unwilling to hear him, he moved "That the House do now adjourn."

Mr. HUME seconded the Motion. Anything more indecent than the interruption offered to the hon. Member for Cockermouth by hon. Members who had evidently been dining out, he had never witnessed in that House. If it was too late to hear the hon. Member at that hour (Eleven o'clock) it was quite time that they should adjourn.

Lord J. RUSSELL entreated the House to hear the hon. Gentleman.

Mr. HORSMAN would not press his Motion for adjournment. He only wanted to say a single word explanatory of the vote he meant to give, and for that purpose he had been waiting to catch the Speaker's eye since four o'clock. He would vote for the second reading of the Bill in the hope that the noble Lord, reconsidering that portion of his speech in which he declared his intention to adhere to the Bill as it at present stood, would consent to omit the words which referred to advised and deliberate speaking. Mr. Pitt, at the suggestion of Lord Grenville, consented to the omission of those very words when the Bill was originally enacted, and the precedent was one which ought to hold good in the present case.

The O'GORMAN MAHON would also vote for the second reading on the same understanding. If the objectionable words were not omitted in Committee, he would oppose all future steps of the Bill.

The House divided on the question that the word "now" stand part of the question:—Ayes 452; Noes 35:—Majority 417.

List of the Ayes.

Abdy, T. N.
Acland, Sir T. D.
Adair, H. E.
Adair, R. A. S.
Adare, Visct.
Adderley, C. B.
Aglionby, H. A.
Alcock, T.
Alexander, N.
Alford, Visct.

Anderson, A.
Anson, hon. Col.
Anson, Visct.
Anstey, T. C.
Archdall, Capt. M.
Arkwright, G.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Ashley, Lord
Bagge, W.
Bagot, hon. W.
Bagshaw, J.
Bailey, J. jun.
Baines, M. T.
Baldock, E. H.
Barkly, H.
Baring, H. B.
Baring, hon. W. B.
Barnard, E. G.
Barrington, Visct.
Bateson, T.
Beckett, W.
Bell, M.
Bellew, R. M.
Bennet, P.
Beresford, W.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Bernard, Visct.
Birch, Sir T. B.
Blackall, S. W.
Blackstone, W. S.
Blake, M. J.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Bolling, W.
Bourke, R. S.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Brackley, Visct.
Bramston, T. W.
Brand, T.
Bremridge, R.
Brisco, M.
Broadley, H.
Brockman, E. D.
Brooke, Lord
Brotherton, J.
Brown, H.
Brown, W. S.
Bruce, Lord E.
Buck, L. W.
Buller, Sir J. Y.
Buller, C.
Bunbury, W. M.
Bunbury, E. H.
Burghley, Lord
Burroughes, H. N.
Busfeild, W.
Buxton, Sir E. N.
Cabbell, B. B.
Campbell, hon. W. F.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Castlereagh, Visct.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Cayley, E. S.
Chaplin, W. J.
Charteris, hon. F.
Chichester, Lord J. L.
Cholmeley, Sir M.
Christopher, R. A.
Christy, S.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobbold, J. C.
Cochrane, A.D.R.W.B.
Cocks, T. S.
Codrington, Sir W.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Coles, H. B.
Compton, H. C.
Copeland, Ald.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Courtenay, Lord
Cowan, C.
Cowper, hon. W. F.
Craig, W. G.
Cripps, W.
Cubitt, W.
Currie, H.
Currie, R.
Damer, hon. Col.
Davie, Sir H. R. F.
Davies, D. A. S.
Dawson, hon. T. V.
Denison, W. J.
Denison, J. E.
D'Eyncourt, rt. hon. C. T.
Dick, Q.
Disraeli, B.
Divett, E.
Dod, J. W.
Dodd, G.
Douglas, Sir C. E.
Drumlanrig, Visct.
Drummond, H.
Drummond, H. H.
Duff, G. S.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Dundas, G.
Dunne, F. P.
Du Pre, C. G.
East, Sir J. B.
Ebrington, Visct.
Egerton, Sir P.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Emlyn, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evans, J.
Evans, W.
Ewart, W.
Farrer, J.
Fellowes, E.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Floyer, J.
Foley, J. H. H.
Forbes, W.
Fordyce, A. D.
Forester, hon. G. C. W.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, S. W. L.
French, F.
Fuller, A. E.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Glyn, G. C.
Goddard, A. L.
Gordon, Adm.
Goulburn, rt. hon. H.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greenall, G.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Grosvenor, Lord R.
Gwyn, H.
Haggitt, F. R.
Halford, Sir H.
Hall, Sir B.
Hall, Col.
Hallyburton, Lord J. F.
Halsey, T. P.
Hamilton, G. A.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, hon. Capt.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayes, Sir E.
Hayter, W. G.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heathcote, G. J.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, J. W.
Henry, A.
Herries, rt. hon. J. C.
Hervey, Lord A.
Heywood, J.
Hildyard, R. C.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hogg, Sir J. W.
Hollond, R.
Hood, Sir A.
Hope, H. T.
Hope, A.
Hornby, J.
Horsman, E.
Hotham, Lord
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Hudson, G.
Humphery, Ald.
Hutt, W.
Ingestre, Visct.
Inglis, Sir R. H.
Jackson, W.
Jervis, Sir J.
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Sir W.
Jones, Capt.
Keogh, W.
Keppel, hon. G. T.
Ker, R.
King, hon. P. J. L.
Knight, F. W.
Knightley, Sir C.
Knox, Col.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Law, hon. C. E.
Lemon, Sir C.
Lennard, T. B.
Leslie, C. P.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Littleton, hon. E. R.
Loch, J.
Locke, J.
Lockhart, A. E.
Lockhart, W.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, W. F.
Mackinnon, W. A.
Macnamara, Maj.
M'Naghten, Sir E.
M'Neill, D.
M'Taggart, Sir J.
Mahon, The O'Gorman
Mahon, Visct.
Manners, Lord G.
March, Earl of
Marshall, J. G.
Marshall, W.
Martin, J.
Martin, C. W.
Martin, S.
Masterman, J.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Maxwell, hon. J. P.
Melgund, Visct.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Monsell, W.
Moody, C. A.
Morgan, O.
Morpeth, Visct.

Morison, Gen.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mundy, E. M.
Mure, Col.
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Newry & Morne, Visct.
Noel, hon. G. J.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Lord
O'Brien, Sir L.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Ossulston, Lord
Oswald, A.
Owen, Sir J.
Packe, C. W.
Paget, Lord A.
Palmer, R.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pearson, C.
Peel, rt. hon. Sir. R.
Pennant, hon. Col.
Perfect, R.
Philips, Sir G. R.
Pigott, F.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Price, Sir R.
Pugh, D.
Pusey, P.
Raphael, A.
Rawdon, Col.
Reid, Col.
Rendlesham, Lord
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Robartes, T. J. A.
Robinson, G. R.
Romilly, J.
Rufford, F.
Rushout, Capt.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Sadlier, J.
Salway, Col.
Sandars, G.
Scott, hon. F.
Scrope, G. P.
Seaham, Visct.
Seymer, H. K.
Seymour, Sir H.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.

Shirley, E. J.
Sibthorp, Col.
Simeon, J.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smyth, J. G.
Somerset, Capt.
Somerville, rt.hn.SirW.
Sotheron, T. H. S.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stephenson, R.
Stuart, Lord D.
Stuart, Lord J.
Stuart, H.
Stuart, J.
Sturt, H. G.
Sutton, J. H. M.
Talbot, C. R. M.
Talfourd, Serj.
Tancred, H. W.
Tenison, E. K.
Tennent, R. J.
Thesiger, Sir F.
Thicknesse, R. A.
Thornely, T.
Tollemache, hon. F. J.
Tollemache, J.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Trelawny, J. S.
Trevor, hon. G. R.
Trollope, Sir J.
Turner, E.
Turner, G. J.
Tyrell, Sir J. T.
Urquhart, D.
Vane, Lord, H.
Verney, Sir H.
Villiers, Visct.
Villiers, hon. C.
Villiers, hon. F. W. C.
Vivian, J. E.
Vivian, J. H.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Wall, C. B.
Walpole, S. H.
Walsh, Sir J. B.
Ward, H. G.
Watkins, Col.
Wawn, J. T.
Wellesley, Lord C.
West, F. R.
Westhead, J. P.
Whitmore, T. C.
Willcox, B. M.
Williams, J.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wood, rt hon. Sir C.
Wood, W. P.

Wortley, rt. hon. J. S.
Wyvill, M.
Yorke, hon. E. T.
Yorke, H. G. R.

Young, Sir J.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the Noes.

Blewitt, R. J.
Bowring, Dr.
Bright, J.
Callaghan, D.
Cobden, R.
Crawford, W. S.
Devereux, J. T.
Fagan, W.
Fox, R. M.
Fox, W. J.
Gardner, R.
Grattan, H.
Greene, J.
Hume, J.
Kershaw, J.
Lushington, C.
Magan, W. H.
Meagher, T.
Moore, G. H.

Mowatt, F.
Muntz, G. F.
O'Brien, W. S.
O'Connell, J.
Osborne, R.
Power, Dr.
Power, N.
Reynolds, J.
Scholefield, W.
Scully, F.
Smith, J. B.
Strickland, Sir G.
Sullivan, M.
Thompson, Col.
Wakley, T.
Walmsley, Sir J.

TELLERS.

O'Connor, F.
Thompson, G.

Sir GEORGE GREY moved that the Bill be committed forthwith. The discussion on the second reading had turned principally upon certain words in the Bill which, no doubt, were of great importance; but he had not heard of any intention to propose to make any material alteration in it, with the exception of the omission of these words. He trusted, therefore, that the House was now prepared to go into Committee on the Bill.

Mr. HUME observed, that the opinion of the House had now been expressed respecting this Bill. He did not recollect ever seeing so large a majority; and if he thought that such a majority was requisite to strengthen the hands of the Government, he would have been one of that majority. But believing that the violation of the constitution thus attempted would weaken the Government, and bring the Government into disgrace with the country, and feeling that Her Majesty's Ministers were urged on by those who wished them no good, he could not support them. They were proud of the support of those persons, and, as on former occasions, they would give it to them until a certain period, when, without ceremony, they would dismiss them. It was unusual to read a Bill a second time and go into Committee on a Bill on the same day, and therefore he demanded nothing extraordinary when he asked them to refrain from doing so. Did the Government, he asked, wish, within twenty minutes to Twelve o'clock, to go into Committee, and there discuss the most important clauses of the Bill. If they were to credit the speeches of a large number of Members who had voted, they would have considerable discussion and divisions on several clauses; and he asked the Government, were they afraid to give time for consideration? It was to be expected that the Bill would pass by a large majority, and therefore he submitted to the Government that if they were powerful they ought to be a little merciful. Let them allow the Bill to take its usual course, and with that view he would move to refer the Bill to the Committee—not on that night, but on any subsequent day Her Majesty's Government would fix. He did not wish to fix a day, but let it be the following day, or Friday, which was the first Government day. [An Hon. Member: The Charter is to be discussed on Friday.] He understood the Charter was to be discussed on Friday; but let them take any other day—that day week. He would move that they adjourn it to that day week. He thought it would be very fit and proper that they should have that discussion on the Charter before they went into Committee, as a great deal of this was brought about in consequence of the alarm about the Charter; but surely they were strong enough to wait for a week. That day week the country would be aware of what was going on; but as yet the country had had no opportunity of knowing what was doing. It was a new matter altogether, and he therefore begged to propose that they should fix Monday for going into Committee.

Sir G. GREY said, the hon. Gentleman himself had admitted that the sense of the House had been taken in so decided a manner that there could be no doubt that the Bill must pass. Now, he would ask if it was a merciful part to postpone the measure to the time proposed? He must at the same time say, that as there were Gentlemen who made strong objections to going into Committee that night, and as he admitted that that was an unusual course, he would not take advantage of the majority which he possessed to go on against the wishes of those Gentlemen if the House was averse to it. His wish was, that the House should proceed that evening; but if they did not consent to do so, he hoped that the postponement would not be longer than till to-morrow. If the House would consent to meet to-morrow at Twelve o'clock, he would not object to the postponement, and he would propose that they go into Committee now *pro formâ*, for the purpose of making merely formal alterations, and leave those clauses of the Bill to be discussed in Committee to-morrow which gave rise to various objections.

After a short discussion,

The House divided, on the question that the words, "This day at Twelve o'clock, stand part of the question:"—Ayes 230; Noes 33: Majority 197.

List of the Noes.

Blewitt, R. J.
Bowring, Dr.
Cobden, R.
Crawford, W. S.
Devereux, J. T.
Fagan, W.
Fox, R. M.
Fox, W. J.
Gardner, R.
Grattan, H.
Greene, J.
Hindley, C.
Kershaw, J.
Lushington, C.
Meagher, T.
Mahon, The O'Gorman
Mowatt, F.
Muntz, G. F.
Nugent, Lord
O'Brien, W. S.
O'Connell, J.
O'Connor, F.
Osborne, R.
Pearson, C.
Power, Dr.
Power, N.
Reynolds, J.
Salway, Col.
Scholefield, W.
Sullivan, M.
Thompson, Col.
Thompson, G.
Walmsley, Sir J.

TELLERS.
Hume, J.
Wakley, T.

Main question again put.

Motion made that the House do adjourn:—Ayes 26; Noes 228: Majority 202.

List of the Ayes.

Blewitt, R. J.
Crawford, W. S.
Devereux, J. T.
Fagan, W.
Fox, R. M.
Fox, W. J.
Gardner, R.
Grattan, H.
Hindley, C.
Hume, J.
Kershaw, J.
Meagher, T.
Mahon, The O'Gorman
Muntz, G. F.
Nugent, Lord
O'Brien, W. S.
O'Connell, J.
Power, Dr.
Power, N.
Reynolds, J.
Salwey, Col.
Scholefield, W.
Sullivan, M.
Thompson, Col.
Thompson, G.
Walmsley, Sir J.

TELLERS.
O'Connor, F.
Wakley, T.

Question again put,

Mr. G. THOMPSON protested against proceeding so hastily with a Bill on which the country had not had time to express its opinion. This haste to stifle freedom of thought and of speech, showed either weakness or consciousness of guilt on the part of a Government that had found it necessary to announce in that day's papers such horrid preparations for the slaughter of the people. He moved that the House do now adjourn.

Sir G. GREY said, that Government had already given up Friday, the only day in the week which they had at their command. If the hon. Member could insure that the committal of the Bill would be proposed as the first Order of the Day on Wednesday, he might be induced to assent to the proposition; but under the circumstances in which he was now placed, he must call on the House to support him.

The House again divided, on the question that the House do now adjourn:—Ayes 24; Noes 213: Majority 180.

List of the AYES.

Blewitt, R. J.
Crawford, W. S.
Devereux, J. T.
Fagan, W.
Fox, R. M.
Fox, W. J.
Gardner, R.
Grattan, H.
Hindley, C.
Hume, J.
Kershaw, J.
Meagher, T.
Mahon, The O'Gorman
Muntz, G. F.
O'Brien, W. S.
O'Connor, F.
Osborne, R.
Power, Dr.
Reynolds, J.
Salwey, Col.
Scholefield, W.
Sullivan, M.
Thompson, Col.
Walmsley, Sir J.

TELLERS.
Thompson, G.
Wakley, T.

House to go into Committee on the Bill at Twelve o'clock the next day.

House adjourned at half-past One o'clock.

HOUSE OF LORDS,

Tuesday, April 11, 1848.

MINUTES.] *Took the Oaths.*—Archibald Acheson, Esq. (commonly called Viscount Acheson), having been created Baron Acheson.

PUBLIC BILLS.—1^{a} Removal of Aliens; Bankruptcy Court Regulation.

2^{a} Mutiny; Marine Mutiny.

PETITIONS PRESENTED. From Cheltenham, against the Election Recognisances Bill.—From the Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for the Extension of the Provisions of the Benefit Societies Act to that Order.

ALIENS REMOVAL BILL.

The DUKE of **BEAUFORT** said, he wished to call their Lordships' attention to the circumstance of the great number of foreigners that were to be seen at present filling the streets of London, and among whom it had been ascertained were several who were known to be the worst characters of France. He was the last person who would object to this country affording a refuge to foreigners driven from their own country by misfortune; but he thought it was a very different matter when persons came to this country, as many now did, with the object of trying to raise sedition and disturbance. He wished, therefore, to know from Her Majesty's Government whether, since the repeal of the Alien Act, there were any provisions in force in this country which would enable the Government to interfere with this class of persons; and if not, whether it was the intention of Her Majesty's Government to ask Parliament for new powers to effect that object? There was another point also on which he wished for information. It was in reference to the body which called itself the National Convention. That assembly, he was aware, had not been recognised by the Government, but still it was well known to be in existence; and now that there was this fraternisation with foreigners going on, it appeared to him that the existence of that society ought to be taken into consideration, and he would wish to know, therefore, if Her Majesty's Government had any intention of taking measures to put it down?

The MARQUESS of **LANSDOWNE**: My Lords, with regard to the subject last mooted by the noble Duke, I do not propose to state what are the intentions of Her Majesty's Government in reference to that society; but with respect to the point to which he first alluded, I am anxious to give an answer which I trust will be considered satisfactory, not only by the noble Duke, but by your Lordships' House generally—I mean the circumstances connected with the presence of large numbers of aliens in this country. In reply to the first question of the noble Duke, I may state that there are no provisions now on the Statute-book by means of which the conduct of aliens can be controlled in this country, otherwise than in accordance with the general laws which exist regarding the personal liberty of Her Majesty's subjects. But in answer to the very natural question put by the noble Duke, whether it is the intention of Her Majesty's Ministers to propose any measure providing a remedy for such a state of things, I have to state that I now hold in my hand a Bill on this very subject, which I intend to lay on the table of your Lordships' House to-night, and by which ample powers are given to the Government to proceed at once to eject foreigners whose objects in this country do not warrant their remaining here. Although it is not necessary for me, according to the forms of your Lordships' House, to preface any application I may make for laying such a Bill on the table with any observations whatever, yet, under the peculiar circumstances of the case, and with a view to the expediency of passing the Bill into law with as little delay as possible, I trust that your Lordships will allow me on this occasion, in moving the first reading of the Bill, to make a few observations on the object of it. I am myself the last person who would wish that there should remain in force any permanent law in this country prohibiting either the arrival or the residence of aliens among us, other than the usual laws of the country with respect to all her Majesty's subjects; and under this feeling I have myself, in conjunction with other noble Lords, taken a part in procuring in one instance a modification, and in the other a repeal of the laws which had existed on this subject. But I must say that I am of opinion, that desirable as it is that this country should on all occasions afford hospitality and a refuge to all those aliens, whether they be monarchical, constitutional, or republican, who are ready to obey the laws of the country that they are about to enter, and to adopt the part of obedient subjects during the residence that they obtain there under the favour of the law; yet I cannot conceal from myself, when I see the causes that are now in operation, and when I am aware of the increased number of foreigners that, under the most peculiar circumstances, have recently visited this country, and, in short, when I know that these foreigners come under various influences, and those not the accustomed influences of pleasure or business, but influences of a totally different description that I shall not at present more particularly allude to—I say, my Lords, that seeing these things, I cannot but think, and I trust your Lordships will think with me, that the Government of the country ought to have vested in them a power, to be used on their responsibility and for a limited time, in certain cases, to compel the departure of these persons. I am authorised to state that this is the opinion of Her Majesty's Ministers generally, but also that it is above all the opinion of the Lord Lieutenant of Ireland; and, my Lords, when I hear it proclaimed loudly, and generally, and avowedly, that there are numbers of those foreigners who are prepared to take a part in the internal dissensions of this country — if there be such dissensions — and, above all, when I hear it clearly proclaimed by a person who is deeply guilty of misleading his fellow-subjects in that respect—when that person has publicly stated, that there are 40,000 or 50,000 persons, not only prepared, but desirous, to seize an opportunity of taking part in overturning the Government of this country, and in dismembering the parts of which the empire consists — when I hear this, and when I know that there are crowds of persons resorting to this country, whose motives cannot at this moment be ascertained, I say that it is the duty of the Government, and of Parliament, to stand armed in this respect, as in every other, against such contingencies as may arise. I will not go farther at present than to state the circumstances under which I lay the Bill on the table; and if your Lordships consent to read it a first time to-day, I shall propose to read it a second time on Thursday; and, if it be your Lordships' pleasure to do so, I would wish to have it pass through this House with as little delay as possible.

Lord BROUGHAM said, that he only rose for the purpose of making a single observation. He wished merely to remark, with regard to the assertion that there were 50,000 Frenchman ready to assist in an outbreak in this country, that he believed it to be without the shadow of a foundation.

The Marquess of LANSDOWNE said, that he had given no opinion as to the truth of the assertion, but he had merely mentioned it as an announcement that had been made.

The Earl of MALMESBURY said, that he was sure that there was not a person in that House who did not agree with him in feeling most grateful to Her Majesty's Government for the prompt and judicious step that they had taken on this subject. As an instance that such a measure was not uncalled for, he would beg to read a passage from a speech made by a person named Harney within the last few days. [The noble Lord read the passage, which alluded to the willingness expressed by foreigners to assist in any struggle that might be considered necessary in this country.] At the same time it was right to state that there was a large number of foreigners of the most respectable class, among whom he might mention such names as Prince Louis Buonaparte and M. Gaudin, who had offered their services to the authorities to be swown in as special constables.

Bill read 1ª.

AFFAIRS OF ITALY.

Lord BROUGHAM *: I rise to move for copies of any correspondence between

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* From a pamphlet published by Ridgway.

Her Majesty's Government and the Court of Turin relative to the late process in Lombardy; and I confess that I look with a deep concern to all that has lately passed, not only in the north of Italy—but when I cast my eye over the south of Europe at large, and yet more when I survey the north of Europe, and regard the late changes in its ancient polity, the prospect strikes me with alarm, almost with dismay. I had hoped, vainly I doubt hoped, that Heaven might vouchsafe to let me close in the midst of general repose a life begun under far other auspices—begun amidst changes—disastrous changes, "perplexing monarchs"—the overthrow of time-honoured institutions—the dispersion of whole communities—the emigration of privileged classes—the confiscation of provinces—the crash of thrones—the desecration of altars—the rude and sudden disruption of the ties that cement nations—the violent alteration of all the landmarks by which national dominion is defined. To these tempestuous days there succeeded a happy calm; and I had fondly imagined our earthly course might have been run ere yet the storm should again rise. But now I fear me this lot is not reserved for us. I everywhere observe all the elements of mischief, and turn which way we will the repose of the world seems in peril. The point in which danger seems most imminent, though perhaps not most alarming, is that quarter to which my Motion refers, and with that I will therefore begin.

By the Congress of 1814, and the Treaty of Vienna concluded next year, Austria's possession of Lombardy was acknowledged and confirmed—a possession of three centuries' duration. The Pope was confirmed in his temporal sovereignty of the Ecclesiastical States; and the succession to the kingdom of Sardinia was confirmed to the Carignan branch of the house of Savoy, the reigning monarch having no sons, and his half brother, Charles Felix, only daughters. By virtue of the same arrangement, by force of the self-same treaty, Genoa ceased to be a commonwealth, and was delivered over to the Sardinian crown. Against that measure I raised my voice in Parliament, with others, abler and better men, the Whitbreads, the Romillys, the Plunketts, the Horners of those days. Genoa, we complained, had been stripped of her independence; of a republic, she had been made the province, the outlying and dependent, and vassal province of an absolute monarchy. Thus the title of the Sardinian king to Genoa, his most valuable possession, rests upon the self-same ground on which Austria's title to the Milanese reposes—or rather on a far inferior basis; because Austria had held Lombardy for three hundred years, ever since Charles V.'s death—Sardinia has held Genoa only for thirty. Lombardy had never been a commonwealth, but always a grand duchy since the thirteenth century—Genoa had ever been a republic until the nineteenth. So that while Lombardy only passed from one prince to another three hundred years ago, and that other's title was acknowledged in 1815—Genoa passed from a free and independent State to that of vassal under an absolute monarch, and she made this change for the first time only in 1815. Such is the Sardinian king's title to his dominions; and now let us see what is his conduct towards those neighbours who have under the same arrangement received ample confirmation of a title, which that arrangement has not continued and confirmed, but begun and created in Charles Albert. Nothing, I will affirm, can exceed the violent injustice of that conduct, except, perhaps, it be the fraudulent pretexts with which it has been covered or coloured, and the perfidy of the declarations preceding or accompanying it. First, he makes war upon his neighbour the Austrian Emperor, on the ground of having what the French, in the jargon of their Propaganda, term a Mission, a vocation to liberate enslaved nations, holding out the right hand of protection to all people who revolt against their lawful sovereign, as the Convention did by their famous decree of 19th Nov. 1792, which lit up the flames of war all over the world. In this, his capacity of Missionary, he preached, needlessly to the Milanese he preached, the sacred duty of insurrection, issued a manifesto to promise his aid, and fulfilled that promise, one of the few he ever kept, by marching an army into Lombardy. On the 22nd March, in answer to a remonstrance of the Austrian ambassador, touching the threats of the Turin journals, Charles Albert solemnly declared his fixed resolution to maintain all the relations of amity with his imperial neighbour. At that hour when that declaration was made, he had signed the manifesto promising his aid to the Milanese insurgents—and on the next day, the 23rd of March, it was promulgated! When complaint was made, and, I presume, astonishment expressed by the Austrian ambassador, the excuse given was one which I trust the republicans of Milan will not fail to mark. Republican principles, forsooth, were becoming rife in Lombardy, and his Sardinian Majesty did not know that they might not extend into Piedmont, peradventure into Genoa, and shake his royal authority; therefore he felt justified in marching his troops. So that by this notable discovery in public law, if I am sovereign of a State, and the subjects of a neighbouring prince take any course which I deem perilous for the peace of my dominions, I have a right not to protect those dominions from that peril, but to march and seize the dominions of my unoffending neighbour. Because the Lombards revolted against Austria, Charles Albert has a right, not to put down a revolt whence peril to his own States might arise, but to join the revolt, help the insurgents, attack Austria, and seize on her possessions.

My Lords, I have little fear of this unprincipled man succeeding. The Milanese must know him too well to render that possible. Of the Lombardo-Venetian kingdom he cannot possibly become master—for Venice has already ceased to form part of it—she has restored her ancient republic, as she had a right to do: no one can complain of the form of policy she has chosen to establish—she may find advantages in it, advantages which are wisely purchased by submitting to its undeniable vices. A republic has some undeniable virtues: it gives power to call forth the resources of a State, beyond any other form of government—it enables merits of all kinds to become known and to rise—its habitual fermentation moves, peradventure convulses, the whole mass of society, and makes the scum rise to the surface, including with much that is utterly worthless, some particles of value—all these virtues has a republic; but one thing I firmly believe to be, and to be of necessity, wanting in a republic, Liberty it has not—Liberty can never flourish under its shade; for whereas in monarchies, how despotic soever, the subject can be safe in his remoteness from the tyrant, in a republic he is surrounded by tyrants, each of whom domineers in the name of the people. Venice may prefer this notwithstanding, and she has a right to please herself; but whether she continues republican, or having tried the experiment, she prefers liberty to that fancy and becomes monarchical, she will assuredly not take the fancy of preferring the rule of Charles Albert, and so he can only hope to take the Lombard kingdom without the Venetian augmentation. But will he succeed even thus far? I greatly doubt it. I can hardly suppose that he is so much less known on the Lombard side of the Alps than he is in the northern regions of Europe; I can hardly think that his former history is so unfamiliar to his near neighbours as to render his yoke a matter of desire among them. And if there be any one, either here in England or elsewhere, who has been vainly speculating upon the possibility of erecting a Sardo-Lombard kingdom, whose crown this man shall wear—let him lay aside the silly expectation, for he may be assured that the story of 1820 and 1821 is not forgotten in Northern Italy. Yes! This is that Carignan who having enticed many to join in a conspiracy against his kinsman, the Sardinian Monarch, and so far succeeded in his plot as to proclaim the Spanish constitution of 1812, suddenly took fright; whose nerves failing him as peril approached, he fled from Turin, and, to save his worthless life, betrayed his dupes, and they suffered death as his accomplices. Outlawed on his flight, he soon after endeavoured to make his peace and gain a pardon. For this purpose he went to Spain, which was then the theatre of war; —it may be fancied that he went to oppose the French invasion, and to fight in defence of the Spanish constitution, which he had himself proclaimed in Piedmont—no such thing—he joined the forces of the Duke D'Angouleme, sent to put that constitution down—he was engaged at the Trocadero; and having gained his pardon by this new act of treachery and apostacy, he was suffered to revisit Turin; where he afterwards succeeded to the Crown by virtue of the Treaty of Vienna—the same treaty which confirmed Austria in the possession of her Lombard dominions. These things cannot be forgotten in Milan; but so neither are they forgotten in Genoa. If any one supposes the Commonwealthsmen of the republic of Doria and Columbus are enamoured of Sardinian rule, or forgetful of Charles Albert's history, he is miserably mistaken: that king will find it a hard matter to attempt liberating the Milanese from the mild and merciful authority of Austria on the one hand, and prevent the Genoese from attempting to shake off his far more galling yoke on the other. Their movements have already affected his nerves in the accustomed manner. It was his fears, awakened by these sturdy republicans, that drove him to all the concessions he has yet made. With the habitual falsehood which is his second nature, he has taken credit for those things which were wrung from his terrors. Step after step as he quailed before the Genoese, he yielded to their demands, and now, casting his eyes across the Alps, to the revolt of Paris, falsely called the French Revolution, he again takes fright, and pays court to the handful of republicans who sway the capital of our neighbours, by attacking their Austrian adversaries in Lombardy.

My Lords, when I thus speak of France, as truth requires, and duty compels me, I freely admit the right of that people to humble themselves before a handful of men in Paris—I dispute not the right of five and thirty millions to bear the dominion of twenty thousand; and of the other things which the chiefs of these men are now doing every day in the name of the whole people, we have no right to complain—their fruits, their bitter fruits will be gathered by themselves; my prayer is that they may be less bitter than I dread and believe. But having referred to the expulsion of the Austrians from Lombardy, I may be allowed to add, that if, by any amicable arrangement, any wise concessions of Vienna to Milan, the Lombards could obtain the inestimable blessing of a constitutional monarchy, and if they were fit for that form of government to which centuries of varied experience have trained us, to which Italians are necessarily alien and unsuited—no one could more heartily rejoice than myself. But my joy would be mingled with another feeling, knowing the Italians as I do, and knowing representative government as I do—the feeling of wonder; and, in the meantime, I am bound to say, much offence as the declaration may give to some in Italy, and a few here more zealous than knowing, that, with all the ills attendant on subjection to a foreign dominion, the Austrian rule in Italy has been one, generally speaking (for exceptions there are), mild, and to the people wholesome—that the inestimable blessing of an admirable police has been secured by it—that a tranquil and regular government has been uninterrupted—that an administration, which improved the condition of the people, protected their industry, augmented their wealth and their comforts, controlled all feudal and aristocratic oppression, has been the unvarying lot of the Lombards under the sway of the Austrian Crown. If its yoke is exchanged for another scheme of polity, I fervently hope they may find the administration of Italians as honest, as moderate, as conducive to internal peace, and to individual freedom—but I far more wish it than expect.

In casting my eyes over the late history of the Italian Peninsula, there is another actor in its scenes, whose feelings I envy less than those of the Sardinian King, though I may respect them more—I allude to the Holy Father, the most ancient prelate of the Christian Church—chief of the Romish Hierarchy—Sovereign of its temporal States. Consulting his love of popular applause far more than the peace of Christendom, he, who assumes to be the head of the Religion of Peace, chose to be the first mover of those convulsions which have all over Europe placed that peace in jeopardy. Better had he discharged his duties as a temporal Prince—better—far better performed his functions as a Christian prelate, had he paused before the insurmountable difficulties which of necessity must obstruct the path of a Sovereign Pontiff, when he is pleased to make himself a patron of political change—a Coryphæus in revolutionary movements. He is to give the Romans a republican government. Parliamentary reform, general elections in the patrimony of St. Peter, present some difficulty to the mind. A Commons' House of Parliament is hard to figure there; an Upper Chamber of Cardinals is of yet more difficult conception. But a limited Monarch, a constitutional Sovereign, who partakes of the Divine nature, who is of an infallible class of beings; and if infallible in Church matters, how separate them from temporal?—such a phenomenon, I own, does strike one with confusion; but yet more puzzled is one to divine how his Holiness is to communicate his infallibility to his Ministers—to his responsible advisers. The Holy Father had far better have well weighed all these difficulties before he took the plunge by which he has shaken the repose of the world, in order to gain the strange anomalous title, and reap the suspicious praise, of a reforming Pope. But supposing his difficulties overcome—suppose the same supernatural influence to which he is supposed to owe his election, should help him to untie the knot—yet he has gone beyond merely yielding to his mob at home; he should have thought three and thrice times ere he did that. But how much more did it behove him to pause before he took the field, and sent his bad troops and worse captains, to make war against the Emperor? He, the head of the Christian Church, is the first to break the peace of the world. He, who owes his triple crown to the Treaty of Vienna, is the first to draw the sword against it, and to attempt contemning and tearing his own, his only title-deed. He who holds Rome by the same title by which Ferdinand holds Milan, is the first to help with his troops the populace whom his paternal exhortations have stirred up to insurrection, preaching the apostolic doctrine that none should be subject to the powers which be of God—that revolt against rulers is a duty. His Holiness's soldiers have actually joined those insurgents, and captured an Austrian fort, with effusion of blood. This is the venerable Pontiff, this the Holy Father, whom we are desired by our thoughtless lovers of liberty to revere as a friend to mankind. He is a worthy ally of the Sardinian King, and as in their deeds they were conjoined, so it may be that in their fate they shall not be divided. At the Roman Court, by an obsolete but unrepealed law, we can have no representative; but at Turin we of course have the benefit of one to manage our affairs. He is personally unknown to me, though I know his respectable connexions; I trust he was competent from his capacity and his experience, to conduct well and firmly our affairs at this critical juncture; and having read Lord Palmerston's solemn warning to Austria to beware how she interfered with foreign States in Italy, and above all with Sardinia, the old ally of England, I conclude we shall find that he gave as strong and specific a warning to Sardinia how she interfered with a yet older and more important ally—namely, Austria. Any interference with her Italian dominions was to be reprobated beyond all other acts, because it imported a direct infraction of the Peace of Vienna—a peace which in its details I, among others, opposed at the time, but which has now for much above a quarter of a century, been the corner-stone of all European polity, and has formed as much the statute law of Europe as the treaties of Munster, commonly called the Peace of Westphalia, of old did for a century and a half. To shake its provisions, therefore, is now to shake the whole fabric of European dominion, and the international policy of the civilised world. From any such shock no man can pretend to foretell the perils that may arise. I must, however, declare, that I feel, as regards our own safety, and the security of our institutions, no apprehension whatever; though none can more devoutly than myself pray for the continuance of peace. The frame of society in the rest of Europe runs infinitely greater hazard than ours from any such calamity. Amidst all the sinister events which have of late days darkened the political horizon, there is to be found one bright gleam, and it rests on this highly-favoured isle. We have here nothing to fear from the fate of empires abroad: we defy the arms and the arts of all the world; we are—the events of the last three days, our three days, prove us to be—an united people. If any such experience were necessary, which I deny altogether that it was, to show how universally and how firmly our people of all ranks are attached to the monarchy—the free monarchy under which they have the happiness to live—that experience we now have.

The kind friends of England across the Channel, who were hugging themselves in the hope of seeing their wild and furious example followed here, and who were proclaiming — even in the Government papers—the certain downfall of that monarchy whose representatives their provisional chiefs were daily labouring to conciliate—have now seen how utterly false were their hopes—as false as their stories circulated six weeks ago, that this city was in the hands of a republican mob, and that the Queen and Her Consort had betaken themselves to flight. Possibly they had been deceived by the traitors who resorted from hence, and chiefly from Ireland, to present the trumpery, the flimsy congratulations of a wretched handful of rebels, that have the courage to threaten revolt, and the magnanimity to talk big without any action. These traitors, mean in their capacity as they admit themselves to be, mean in their attempts to redeem their ample pledges, as their whole craven but prudent conduct proclaims them to be, endeavoured to import from Paris some promise of assistance, some prospect of helping them in levying war against the Crown of these realms; and they have brought back from their journey not the declaration of any responsible Minister—not the word of any Government, or any pretended Government, or anything like a Government, or anything calling itself, perhaps falsely calling itself, a Government—but the threats of clubs without names—the promises of men on behalf of numbers that never instructed them to promise for them—the bravadoes of persons utterly obscure, who used the authority of others that never gave any powers of the kind—the promises of those who had neither the will nor the power to perform. I disdain all reference to such clubs, or such persons. Enough for me to observe that the Minister of Foreign Affairs under the Provisional Government gave the treasonable emissaries a plain, a downright, and all but a rough rebuke for their impertinence. I approve highly of this answer. It was the next best thing which M. Lamartine could have said, next best to what he certainly ought to have said, and what an experienced Minister, and one free to act as he pleased, would have said—"Are you come from the British Embassy? For if not, go about your business—I only know Lord Normanby as representing England." With this qualification I approve the answer given; but I do not at all join in the extravagant joy — the silly raptures of many—at this answer having rebuked the Irish traitors. On the contrary, had M. Lamartine been so wanting in common sense as to credit their stories—had he beed led away by the wild fables of the republican press and the Irish treason-mongers—had he fancied that the Irish were slaves, helots smarting under the English lash—that England never goes to them but to get recruits for her feeble Army, and money for her bankrupt Exchequer—that the Irish pay nearly all our taxes—(I would they paid a tenth part of them)—that Irish affairs never engage the attention of Parliament (when hardly anything else is discussed by us, and some are becoming repealers on account of the Irish monopoly of our legislation)—had the French Minister, listening to all these glaring falsehoods, sent back the traitors with a promise of help to their rebellion—it is my firm belief, that the dominion of England, and the Government of Ireland, would have been made doubly strong—and that as all this island are united against the attempts to destroy our united empire—so all, or nearly all, the sister island would have speedily become banded in the same holy league. Not only Protestant, not only Orangemen—who are already to a man, our firm, our brave, our powerful allies—but even the bulk of the Catholics, the disaffected themselves, when thus threatened with the hateful embrace of a foreign Power, would have been stunned into a sense of their duty, and returned to patriotic courses.

I must not be understood to blame M. Lamartine for not at once refusing all intercourse with the traitors—he was not a free agent in the matter—he was, like all his colleagues, acting under the eye and under the control of the Paris multitude. For those who have the hard lot so to suffer such thraldom, have a right to our sympathy, and must not be visited with severe blame when they yield to the pressure that overpowers them. But if they have a right to our pity, they have not the same right to our confidence. If I am asked whether I do not confide in such men as my esteemed friend M. Arago—the most illustrious name among the philosophers of the age—in M. Dupont de L'Eure, one of the most virtuous of the old republicans, and, unlike some of the new school, wholly uncorrupt and incorruptible—whose hands like those of the old race, unlike some of their successors, have ever been clean — in M. Garnier Pages, an estimable man and an able financier (though I wish he had not fallen into the vulgar error of supposing that the credit of England depends on her commercial monopoly) — asked if I do not trust these men, I answer—Certainly. I have as much trust in them as I can have in any men acting in the hands of the multitude — that is, exactly none at all. Then do I trust the republican party at large? My answer is another question, "Where is that party to be found?" Danton said, nearly sixty years ago, "You've got a republic, but there are no republicans." The same thing may be with very much more accuracy said now; and when it was said to M. Ledru Rollin (of whom I wish to say nothing, in order that I may speak no evil), he replied, "True; France is not now republican, but France must be made republican"—a speech which I heard with unmingled horror; for it was on this very text that the Convention and the Committees in 1792, 3, and 4, made their bloodthirsty discourses—it was for the purpose of compelling France either to become republican, or from terror to be quiet, that the guillotine worked; that the purest blood in the country was shed like water; that proscription, pillage, fire, murder, raged through the land, and wrapped it in misery and devastation. Nevertheless, France has the incontestable right to adopt this system — if she pleases, to renew these scenes. Now, as then, she may, through terror — through the dread of massacre — be compelled to crouch beneath a succession of vulgar tyrants, domineering in the usurped name of the people, and extirpating all liberty in the abused name of freedom. I hope better things from that noble country — from that gallant and generous people. I hope that Paris may not long be content to receive the law from an armed mob, and that, if it does, France will not receive the law from Paris. This I know, that if she does hug her chains— if she does prefer her present condition to the comparative happiness she enjoyed under her constitutional King, her example will never prove dangerous by wearing an inviting aspect in her neighbours' eyes. Casting their eyes towards France they behold the utter ruin of all trade; the end of all ordinary and gainful labour; the substitution in its room of a fantastic scheme utterly impracticable, but if it could be executed, utterly ruinous both to the workman and the capitalist, and the community at large; the money market reduced to despair; all credit cut up by the very roots; public funds reduced from 75 to 35; Bank stock fallen from 3,000 to 990 in price; the Government wholly without power to check the most violent popular excesses, impotent even to protect an ambassador's sacred person, and confessing to him their not having three men at their disposal; that Government, in order that its ephemeral existence may linger on between life and death till the Assembly meets, reduced to subsist on violent stimulants, pandering to the passions of the rabble by a succession of daily claptrap measures; seizing one day on the savings of the poor in order to give Louis Blanc the means of paying labour by his most fantastic plans; another day seizing on railways in order to clutch some ready money, and emptying the till under the false pretence of better administering the affairs of the companies; then threatening to seize all the banks, and monopolise paper circulation in a country where hitherto specie alone was current; about to deluge the country with 100,000,000 sterling of assignats, to the utter destruction of all private property—nay, stooping as low as to strip the traveller of his money, and make him take worthless bank paper in exchange*—all these things have the Government done in its provisional state; and all these things which have plunged France into wretchedness, and which now threaten her utter ruin, are seen by us and by all her neighbours. Hence let no one be alarmed at a republic being established on the other side of our Channel; and that it will be established there you must not suffer yourselves for a moment to doubt. A republic is, for the present at least, the fate of France. The existing Government may be upset by any one who can lead 10,000 of her gallant troops (deeply discontented as they are) against the Paris mob; but in the circumstances of the country and of Europe the experiment of a republic must needs be tried. As Louis XVIII., when the army of my gallant Friend (the Duke of Wellington) restored him in 1815, for the second time, his immortal victories in the south having restored him the year before, instead of being called as before *Louis le bien aimé*, became now *l'inevitable* — so the republic, a second time installed, is truly and for a season inevitable.

Through that stage France must needs pass: it is her pleasure and it is her fate. But we need not have any fears of its example spreading — of her arts or of her arms we need have no fear. Neither under the old monarchy, nor under the Convention, when her armies were marshalled to victory by the genius, the skill, the gallantry of my illustrious friend General Carnot; nor when the Empire led them to conquest; nor when she flourished of later times under the illustrious Victim of the late change, now an exile within our dominions; above all, of the republican charms and republican attire of France we assuredly have no reason to entertain any dread. Neither her armies nor her treasures are ever to be feared by a free State like ours. Neither of her emissaries nor of her warriors have I any dread; but that is because my confidence in our security reposes, not on our own arms or our own treasures: it has a far deeper and and more ample basis—the affections of the people — to be won by constant good offices; to be retained by unvarying good faith — *Non arma, neque thesauri, regni præsidia unt, verum amici* — such friends as you had helping you against madmen and traitors within the last few days — such friends as England, ay, and Ireland too swarms with—*Amici quos neque armis cogere, neque auro parare queas; officio et fide pariuntur.*

My Lords, it was my bounden duty thus

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* Lord Brougham denied positively his having been so stopped and searched; he had been kindly furnished with a permit; but he knew of 51,500 francs being seized from one traveller not so provided.

to address you; but I cannot conclude without setting right an error committed by many, acted upon by some—the notion that strangers—Englishmen especially—are insecure in France. This is wholly groundless: some mob proceedings in the provinces have, to the great displeasure of all classes, the Government included, taken place against English workmen. Generally speaking, I can affirm Paris to be quite as safe for our countrymen as for the natives; and I devoutly hope that to all classes the restoration of authority in the rulers, by rendering the police effectual, may soon make life and property universally secure.

The **Marquess of LANSDOWNE** said, that he trusted his noble Friend would not regard him as being guilty of any disrespect if he abstained from following him into the details of his speech, and into circumstances which it was the duty of Her Majesty's Government to regard with the greatest caution. His noble Friend had alluded to the number of false reports which had been spread abroad as to what had been passing on the Continent. He agreed with what had fallen from his noble Friend on the subject, and could fully confirm his statement; indeed, in a paper of this morning he had seen a statement that his noble and learned Friend had applied to the French Provisional Government to be naturalised as a French citizen, and that many other English Peers intended to follow his example and to emigrate. After the speech they had just heard, their Lordships could not but believe that the report was entirely destitute of truth, and their minds would be relieved from any apprehension on the subject. He fully agreed with his noble and learned Friend that the steps taken by the Sardinian Government against Austria were deeply to be regretted. With respect to the invasion of the Austrian territory, he was willing to wait until he knew what the circumstances really were that attended it before he was prepared to use such strong language as had been uttered by his noble and learned Friend. It was a proceeding most deeply to be lamented, and which had been most strongly protested against by Her Majesty's Minister at Turin, and he pointed out the consequences to which it might lead. He was not then prepared to say anything which would commit Her Majesty's Government to the following out any particular course; at the same time, he did not conceive that Her Majesty's Government were bound to resist by force this intervention of the Sardinian Government. The remonstrances to Austria heretofore alluded to, were not exactly to guard against the same line of conduct as had been pursued by Sardinia, but of a very different nature. The interference of Austria with the independent Italian States was understood to be with the intention of preventing the sovereigns of Italy giving constitutions to their subjects. When such intentions of Austria were made known, Her Majesty's Government did consider it advisable to use strong terms of remonstrance to the Austrian Government. In the same way Her Majesty's Government advised the King of Sardinia, ineffectually it was true, but still to induce him, to delay his invasion of the Austrian provinces. He did not see any objection to the production of the papers, or such parts of them as could be communicated without injury to the public service.

House adjourned.

HOUSE OF COMMONS,

Tuesday, April 11, 1848.

Minutes.] New Writ.—For Bewdley, *v.* Thomas James Ireland, Esq., void Election.

Public Bills.—1° Exchequer Bills (17,946,500*l.*); Qualification of Members.

Reported.—Law of Entail (Scotland).

Petitions Presented. By Mr. John O'Connell, from an immense number of Places in Ireland (359 Petitions), for the Repeal of the Union with Ireland.—By Mr. Burroughes, from Norfolk, and Admiral Gordon, from Aberdeen, against the Jewish Disabilities Bill.—By Mr. A. Matheson, from Forres (Scotland), for Revision of the Stamp Duties.—By Mr. H. Russell, from Members of the Independent Order of Odd Fellows, Manchester Unity, of several Places, for the Extension of the Benefit Societies Act.—By Colonel K. Tynte, from Bridgwater, against the Crown and Government Security Bill.—By Mr. Burroughes, from Norfolk, against the Diplomatic Relations, Court of Rome, Bill.—By Mr. Devereux, from Wexford, against the Landlord and Tenant (Ireland) Bill.—By Viscount Drumlanrig, from Dumfries, for the Improvement of Parochial Schools (Scotland).—By Alderman Copeland, from North Staffordshire, and Mr. Divett, from Devonshire, for Alteration of the Public Health Bill.

CROWN AND GOVERNMENT SECURITY BILL.

On the question that the Speaker leave the chair, for the House to go into Committee on the Crown and Government Security Bill,

Mr. F. O'CONNOR said, he had already stated his intention, upon the introduction of this Bill, to give it all the opposition which the forms of the House would permit, and, in pursuance of that notice, he now rose to meet it in its present stage.

He had already presented a petition, signed by thousands of the people of this metropolis, against the Bill, and he knew very well that if time were afforded to the country at large to express an opinion upon it, the table of the House would be covered with similar petitions. And although it had been stated by some hon. Members that it was their intention to look for some modifications, and to propose some alterations of this Bill, he looked upon it as so unconstitutional in its principle, that he should give the House an opportunity of expressing its opinion upon it in every stage. It was notorious that for many years the principles of the right hon. Baronet the Member for Tamworth (Sir R. Peel) had been acted upon by the present Government, namely, that of centralising all power within the House of Commons; and the effect of the centralisation of that power within the House of Commons was to destroy the influence of public meetings, public writings, and public speaking outside of the House of Commons. They were perfectly aware that in Spain, for instance, where the elective franchise was limited to about 96,000 of the population—which was very large—the country was continually in a state of convulsion; and the *émeutes* which had taken place in France were the result of a similar cause. Those *émeutes* were concocted in secret clubs and societies, and revolution burst upon the kingdom before there was any public intimation of it. And such must be the state of things in this country, if the free expression of public opinion were put down. Since the days of the Reform Bill, the system of centralisation of power within that House, and the virtual suppression of the public voice there, had progressed at a rapid rate. And if he needed any illustration of the deplorable effects of such attempts to drown the popular voice, he would ask them to look to America, which they had forfeited by their oppression. The people of America presented petitions to that House; their remonstrances were not listened to; and they had recourse at last to the principle contained in the apothegm of the noble Lord at the head of the Treasury and the Secretary of State for the Home Department, namely, that moral power was but a shadow, and that physical force was a substance. America, then, was lost; and from the news which he had recently received from Canada, that country also would be lost unless they consented to yield to the Canadians their just political rights. Canada rebelled, and Canada obtained its Parliament. Well, then, when they saw these things—when they saw that, contrary to the promise made at the time of the Reform Bill, that this country should be governed by local institutions, all power was being centralised in that House—he called upon the really patriotic men on both sides of the House to resist this measure, which would consign to the care of the Attorney General the judges and juries of the land, and to heavy penalties every man of capacity and mind who should hereafter, by writing or speaking, agitate for popular rights. Was it not notorious that we were progressing in manufacturing and mechanical improvements beyond any other country in the world? By means of the electric telegraph, railroad travelling, penny postage, and other improvements, we were enabled to take a stand pre-eminently above all other nations; and was it right that the new and active genius which those improvements had created in this country should be opposed by retrogressive legislation such as this? Was it right that the progress out of that House should be met by an unconstitutional "base, brutal, and bloody" Bill within? He could call it by no other name. What was this but a Coercion Bill against the free interchange of mind amongst the people of England? If it passed, then would that freedom of expression of opinion which was the boast of England be changed into slavery, and the free voice of England be changed into muteness. We should then be placed under the ban and control of the Attorney General—who ought to be Prime Minister. He meant no insult to the hon. and learned Gentleman who now filled the office of Attorney General, whose talent, sagacity, and clemency, he might say, entitled him to the highest admiration. His remarks applied to the office itself; for, under the new law, the Attorney General would have the power of a Prime Minister. But he was not willing to surrender his rights, nor the rights of any class in this country, to the system to be created under such a Bill as this. Again, he repeated that if such a Bill as this had been introduced into the House when the noble Lord now at the head of the Government was on the Opposition side of the House, the blood of a Russell would have been roused into madness to think that the law under which his ancestors suffered was about to be re-enacted in the present age. They had had ample proof from the history of yesterday's proceedings, as stated by the right hon. Baronet (Sir G. Grey) himself, that there was no necessity for this Bill. They had ample proof that the loyal Orangemen of Ireland did not ask for such a Bill as this. Above all, he protested against the unconstitutional attempt of the Government to tack itself to the Crown by bringing in a Bill for the better security of the Crown and Government. If this Bill were passed, then the Government would be able to perpetuate itself in office. He would tell them candidly that he did not attach that importance to Ministers speaking from that side of the House, which he did to independent Members speaking from the Opposition and Ministerial benches. He did not place much confidence in the fervid eloquence of Ministers, the effect of which they sought to increase by boldly slapping the red box on the table of the House. He cared very little for the big swelling words in which they solemly proclaimed their "intention and determination to uphold, by all means, the dignity and the power of the Crown and their own Government." The echo to that was "Quarter-day." That was the only construction which he could put upon it. Provided there was free discussion in this country, he had no objection to a monarchy elective or hereditary. If they passed this Bill a man would come under its operation not only for advisedly speaking, but for advisedly thinking or dreaming, as had been said by the hon. Gentleman the Member for the city of Oxford. He warned those who now supported this Bill, that they would be the first to smart under its operations. Hon. Gentlemen who supported the Bill had carried on the reform and free-trade agitation; which system of advocacy it would crush. They had not even refused their sanction to demonstrations whose motto was "Bread or blood." Cordially as he now approved of the monarchical system, yet if this Bill passed he should declare himself a republican, at all events. He confessed he was astonished by what he had read respecting a nobleman who spoke in another place on the previous evening. The noble Lord to whom he referred had stated that one policeman had dispersed the whole of the meeting at Kennington Common. There could be no greater fallacy, ignorance, or folly, than for a Minister, in the performance of his duties, to make such a statement. The fact was, that a policeman came to him at the meeting, and told him that Messrs. Rowan and Mayne wished to see him, as they had a message from the Home Office. Fearing that the people would molest the policeman, he said that he would knock down the first man that touched him, and he made them give the policeman plenty of room. The people obeyed him; and were they, on that account, to be met by a jeer? He cautioned that House not to laugh at the people when their conduct was so perfectly peaceable: it would afford them a bad precedent. He (Mr. O'Connor) was not exactly in a state of health to justify his occupying the House any longer in this stage of the Bill, and particularly as he had already expressed his views upon it. He protested against a Government which mocked Ireland by making it equal with England in its participation of punishment, but refused to put her upon the same footing with regard to political rights. He called on all the liberal Members to oppose every stage of the Bill.

Mr. HORSMAN, as it appeared they were likely to get into a somewhat angry discussion on the Bill, thought it was desirable that the temperate Members of that Assembly should disembarrass their proceedings of any misconstruction to which they might be liable. There were certain Members in the House who objected to the measure *in toto;* whilst there was another party extremely anxious to facilitate its passing into a law, and to strengthen the hands of Government in furtherance of the object they had in view. The latter was a very numerous party; they objected only to particular words in one of the clauses, and felt that as those words were part of a permanent measure arising out of temporary circumstances, one of two courses ought to be taken; either those words should be left out altogether, or that the Act itself should be merely temporary in its duration. That was his opinion; and when they came to the clause in Committee, he should move as an amendment that the words be omitted. But, after taking the opinion of the House upon that point, he should offer no factious opposition to the measure.

Mr. HUME wished to know if the words referred to were intended to apply to Members of this House speaking in their places, and whether for words spoken in that House they would be liable to be transported to Botany Bay? He also wished to be informed by the Home Secretary if it were true, as had been stated in another place by a Member of the Cabinet, that the meeting on Kennington Common yesterday was dispersed by the police without the aid of the military? In order to show how trifling the whole matter had been, he might state to the House that a military man attended the meeting at his request, and was there from eleven o'clock until one, when the chairman announced that as the Government had prohibited the passing of the procession across the bridges, he advised the meeting to dissolve itself; it did separate accordingly, and the military man alluded to told him (Mr. Hume) that there was no interference whatever on the part of the police. It was right that the truth should be published; for the House might not be aware of the effects which yesterday's proceedings were calculated to produce on the Continent. Ay, what would foreign Governments think if the Government of this country was obliged to put Field Marshal the Duke of Wellington at the head of the military, to call out the police, and to convert Somerset House into a garrison, filled with horse, foot, and artillery, provisioned for two days and nights? He judged from what had taken place that it was in the power of the Government to have prevented the meeting by the existing law; and he thought that the extraordinary preparations which were made had only had the effect of creating an alarm which was altogether unnecessary. It appeared to him that we were getting into a system that was most erroneous, and likely to be productive of serious consequences both in this House and elsewhere.

COLONEL SIBTHORP tendered his best thanks to Her Majesty's Government for the course which they had adopted; especially he thanked the Home Secretary for the firmness he had displayed during the whole of yesterday's proceedings; and not less sincerely did he thank that right hon. Gentleman for the firmness with which he had introduced the present Bill. Complaints had been made of the stringent nature of this measure; but for his part he regretted that it was not ten times stronger. The hon. Member for Montrose had asked whether the Bill was intended to apply to Members of this House speaking in their places. All he could say was, that if the hon. Member for Montrose himself were to be guilty of any offence against the provisions of the Bill, he should be ready to rise in his place and recommend that the hon. Member be immediately committed to the Tower for the remainder of his life. With regard to the proceedings on Kennington Common, he should have been glad if he had seen some of the leaders who then attempted to disturb the public peace, and to alarm the loyal and peaceable inhabitants of the metropolis, dragged into and ducked—he would not say drowned—in the river Thames, and then sent home in their wet clothes as a punishment for their daring.

MR. AGLIONBY deprecated the use of intemperate language in the discussion upon this Bill by all parties. He had already supported the first and second reading, because he considered the Bill necessary for the safety of Her Majesty's Government, and he should vote in favour of the present Motion; but when the Bill was in Committee he should propose various modifications in the clauses.

MR. GRATTAN considered that the measures adopted by the Government yesterday, for the preservation of the peace, had had a most salutary effect. Indeed, he never felt more delighted than when he saw this great city protected from violence and outrage by its own citizens. This Bill, however, had no claim to the same merit. If the people of Ireland were in such a state of commotion as, in the opinion of Her Majesty's Government, to render the Bill necessary, was that any reason for inflicting it upon the people of England, who had proved themselves peaceable and loyal? How long was it intended to punish a man for what was called "open and advised speaking?" Why should not the Government be satisfied with simple imprisonment, according to the circumstances, rather than the penalty of transportation? The fact was, the existing law had not been sufficiently tried. He charged the Government with carrying on war in disguise on Irish ground. They were daily pouring troops into that country, under the idea that there was an insurrection, yet there was none; but in the face of this fact they asked the House to pass a law placing Ireland under the same law as England. But the Bill, if it became law, would be worth nothing; for it was laid down by most eminent Judges, Hale, Foster, Blackstone, and others, that nothing was so dangerous to proceed against as spoken words, The Government were really adopting a wrong course towards Ireland. They ought to relieve the people from the causes which led to disturbance before they attempted to punish them.

Mr. REYNOLDS said, that on referring to the division lists of the preceding night, he had little hope of success on the part of the minority in opposing the Bill. When he reflected that 453 Members had voted for the second reading, and only thirty-six against it, and that the majority was composed of the leaders of the two great parties in this country, a public amalgamation of Whigs and Tories, he had also very little hope of obtaining any modification of the severe provisions of the measure. This belief had been strengthened by the speech of the hon. and learned Solicitor General; a speech which, without meaning any disrespect, he regarded as having begged the question. The hon. and learned Gentleman had reminded the House that the accused under this Bill would have the bulwark of trial by jury. The theory of trial by jury was excellent in the abstract; but its practice in Ireland was anything but pure or satisfactory. Need he remind the House of the celebrated trial of O'Connell and his associates? The jury which tried those conspirators, as they were called, was packed. Their decision was appealed against in the House of Lords, and the decision of the court which tried was reversed upon the special ground that the jury had been packed; and Lord Denman, in pronouncing judgment, said, "If such practices are to be continued in Ireland, the trial by jury may be called a mockery, a delusion, and a snare." The same machinery which existed at that time in Dublin for the selection of juries existed still in all its integrity; and, practically, parties convicted under this Bill would be shut out of their appeal to the House of Lords, because, before it could be made, they would be on their voyage to a penal settlement. He regarded the measure also as an attack upon that principle which conferred the right of expressing opinion either by speaking or writing. If he were told this would be matter for the consideration of the jury, he replied that under the present constitution of juries in Ireland, he should be extremely sorry to trust his liberty to such a tribunal. The measure, instead of being a modification of the existing law, was an aggravation of it, in proof of which he referred to the third clause, by which offences in Ireland, now punishable by fine or imprisonment, were rendered punishable by transportation for life or for seven years, in the discretion of the court. So stringent was the Bill that it absolutely included the ladies. He trusted its framers would have sufficient gallantry to exclude the ladies of Ireland at all events, and leave the gentlemen to suffer for them. It was professed to be called for on the ground—first, that Ireland was disturbed, and next, that England was disturbed; but he denied both allegations. Indeed he challenged any hon. Member to prove, with the exception of the two newspapers, the *Nation* and the *United Irishman*, in Dublin, any real appearance of disturbance or disaffection in Ireland. Ninety-nine out of every hundred of the inhabitants of Dublin condemned as much as the right hon. Baronet the wild and extravagant doctrines put forth by those journals; and they condemned them in the most unmeasured terms. Was there any further proof than could be found in those papers that Dublin was in a state of rebellion against England? None? He might be told that troops were required in Dublin. He rejoiced at that circumstance, and he had no objection to the whole British Army being quartered in the city, knowing, as he did, that it must increase the circulating medium. Cork, Limerick, Waterford, Kilkenny, Clonmel, all the great cities, were perfectly quiet; yet hon. Gentlemen, who knew no more of Ireland than they did of New Zealand, got up in that House and said, "I will vote for this Bill because the country is disturbed." That allegation he distinctly denied. But he must not be misunderstood. Though Ireland was not disturbed, there was dissatisfaction and discontent throughout the whole country. One million human beings had, within the last eighteen months, sunk into their graves for want of food; and at the assizes at Galway a man was sentenced to three months' imprisonment for stealing food. In this case the stipendiary magistrate, addressing the court, said, there were extenuating circumstances, and that he had heard a report of one child having died of starvation, and its mother eating its flesh. The stipendiary magistrate felt it his duty to disinter the child, and he found that its bones had been picked. At this very time there were bullocks at the man's door, yet he allowed his own wife to feed on her own child before he would kill one of the animals. The court ordered the man to be discharged. This case was only an illustration of the general distress under which many of his fellow-countrymen were sinking to their graves. Under such circumstances, he felt it perfectly consistent with the maintenance of his allegiance to urge the dissolution of a Union which had been destructive to Ireland, and attended with no benefit to England. When the 3rd Clause was brought up, he should feel it to be his duty to move an Amendment to the effect that, for all the greater offences enumerated in it, the punishment of transportation should be inflicted; but for all minor offences, such as open and advised speaking, the penalty should be three years' imprisonment. He would remind the House that there were three persons already under arrest, namely, the hon. Member for Limerick, Mr. Meagher, and Mr. Mitchell, and that if these persons were found guilty, they might, under the provisions of the existing law, be imprisoned for three years, and fined without limit. He thought that was a tolerable punishment for talking, and, after all, it was only talk. There was a good deal of talking on the other side of the Channel, and a considerable quantity on this. In Dublin, however, all language of that kind received a particular name; people there usually said of it, "That's all Tallagh-hill talk;" and when any one indulged in it, he was spoken of as "drawing the long bow." Now, he asked the Government to postpone proceeding with the Bill until after Easter. The exhibition of the previous day had ended as peaceably as a Quaker's meeting. He had no wish to offend the special constables around him, who thought that, but for themselves, there would have been a second edition of Paris; but he certainly was not of that opinion. He was a general supporter of the Government, and he had endeavoured to vindicate them in cases in which no one else would. He was, however, in this difficulty. He had repeatedly said in Ireland, that they had proved themselves the consistent friends of civil and religious liberty. What was he to do when he went back? The best thing which he could do was, perhaps, to absent himself altogether from public meetings. The hon. Member concluded by again appealing to the Government to postpone the Bill until after Easter.

Mr. SADLIER wished to state the reasons which had induced him to vote for the introduction of the Bill. He felt, indeed, that from the time of Cromwell all legislation had tended to keep up practical disunion. It was a great error to imagine that the laws of the two countries were identical. It was most extraordinary that this measure should have been peculiarly intended for the Irish people; it should rather be carried into practical operation in this country than in that (Ireland). He valued this measure, first, because under its operation men would no longer be convicted on the single and uncorroborated testimony of an approver, but only on the evidence of two witnesses. It was the object of the Bill to reduce to felony that which had hitherto been dealt with as treason, and thus to meet the case of those juvenile persons in Ireland who were constantly uttering open and scandalous sedition. Such legislation, however, he freely admitted, was not calculated to remove that deeply-rooted feeling of dissatisfaction which was at this moment universal in Ireland. He would tell the First Minister of the Crown that every communication which he received from his own country, led to the belief that amongst the few gentry who still clung to their homes amongst the merchants and traders, and amongst the insolvent tenantry, that the feeling prevailed, not only that the Government had signally failed to perform its duty, but had been actually indifferent to the rapid and extensive progress of that mortality of which so many of his countrymen had, during the last twelve months, been the unprotected and unpitied victims; the bodies, in many instances, remaining uncovered, unshrouded, and uncoffined, to gratify the repulsive voraciousness of some animal or bird of prey. This was no highly-coloured representation, but a plain statement of what had been witnessed all over Ireland. He hoped that one of the first practical results of this measure would be to save from perdition and dishonourable exile some of those unhappily deluded men who were at present the erring victims of a great political disease. He would tell the Government that the great evil of Ireland was physical misery, for which the existence of the poor-law, with its imperfect machinery, provided no adequate remedy. That law was nothing less than a delusion to the destitute, and confiscation to the industrious; and though he did not ask the noble Lord to interfere in the dealings between man and man, he thought the statement that the Government had nothing to do with the matter was not justifiable. There was another grievance to which he would refer. Was the noble Lord really aware of the present state of the elective franchise in Ireland? ["Question!"] He was perfectly in order in considering whether this measure was calculated to remove discontent. He would put the case of the populous and extensive county of Tipperary. The right hon. Gentleman the Member for Dungarvan (Mr. Sheil) was formerly returned for that county by a majority of 1,800; a few days ago the number of persons qualified to vote was only 431. Such was the constituency in the case of an area little short of 1,000,000 acres, and a population of about 1,000,000 also. He would remind the House of the remarkable words with which the right hon. and gifted Member for Dungarvan, to whom he had just referred, had concluded one of his memorable appeals to a former House of Commons:—

> "Let a few years go by, and the national mind of Ireland will be one mass of hot commotion. If a great outbreak of popular commotion should occur here—if the predictions of Conservatives should be fulfilled—if your alliance with France, which is as unstable as its dynasty, should cease, you may have cause to lament, when lamentation will be unavailing, that to 7,000,000 of Irishmen justice was refused."

LORD JOHN RUSSELL: Sir, I really think the hon. Gentleman who has just sat down must have mistaken the Motion now before the House for the Motion which is to be brought forward at a later period of this day; and as he expects the Government to bring forward a number of measures affecting Ireland, I beg leave to submit to him whether he can complain of our not bringing forward any measures of a remedial nature, if the time of the House is so taken up as to make it impossible that any day can be devoted to them. The hon. Gentleman has referred to a statement of mine last night, and he appears so much to have misapprehended it, that I must say a few words to correct his misapprehension. The hon. Gentleman says that the present Government is considered in Ireland to be totally indifferent to the sufferings of the people, and the loss of life occasioned by the want of food; and he appears to suppose that I said it was no part of the business of the Government to interfere in matters of that nature. What I stated was, that, generally speaking, it was not the business of the Government to interfere in the various relations which affected the supply of food; and I said, that any measures which might be introduced having such a tendency were to be regarded as measures of exception. I certainly never stated that the present Government had not considered some measures necessary on account of the want of food in Ireland. I could not, indeed, have said so, because last year the Government recommended to the House measures by which they afforded food to upwards of 3,000,000 of persons daily; so far was the Government from being indifferent, as the hon. Gentleman says they are considered to have been, to the sufferings endured in Ireland. With regard to the present year, there is, indeed, the poor-law, to which the hon. Gentleman has referred; but I have always considered that the introduction of that law at first, with a division of districts which, in certain cases, might make it extremely difficult to supply food, required the constant attention of the Government. Some time ago I sent out directions from the Treasury, that in cases in which relief could not be obtained, strict inquiry should first be made, whether that was owing to any neglect in the collection of rates; and, that in cases where parties were fully able to pay, payment should be enforced. I went on to say, that I wished further inquiries to be made as to cases in which the want of relief was not owing to the negligence of collectors, or to the refusal of persons to pay, but to a total inability to supply the distressed poor of the district; and I wished a report to be made in all such cases, in order that either by means of the British Association, or of some measures to be proposed by the Government to the House, the poor so situated might be saved from starvation, and relief be given. I think what I have stated shows, that neither with regard to the last year, nor to the present year, are we liable to the charge of treating the sufferings of the Irish poor as a matter of indifference. I must say, that if such statements be made in Ireland, they are libellous and calumnious, and I am sorry that they should have been repeated in this House.

SIR DE L. EVANS felt called upon to offer his sincere and heartfelt thanks to the Government for the admirable arrangements which they had made on the previous day for the preservation of the public peace. Most happy did he feel that that day was not a day of mourning; but that it was not so was owing, he believed, mainly to the fact that the Government had not been wanting in their duty. He knew no more grand, more honourable, or more sublime spectacle than that which had been presented on the previous day by the Government and the inhabitants of the metropolis. It had been said, that the meeting was a contemptible one. It was a contemptible meeting, thanks to the Government which had rendered it so. Every friend of order, every person in favour of the maintenance of property, and of all that contributed to the well-being of civilised society, had reason to thank the Government for the result.

Mr. MASTERMAN felt great pleasure in tendering to the Government his humble acknowledgments; and he felt sure that in so doing he was expressing the feeling of the whole city of London, for the arrangements which they had made on the previous day for the life and property of the subject.

Sir G. GREY: The hon. Member for Montrose asked me a distinct question, namely, whether the meeting at Kennington Common yesterday was forcibly dispersed by the police, or separated of its own accord. In answer to that question, I beg to say that the meeting was not forcibly dispersed by the police. The police commissioners, acting under the directions of the Government, made an intimation to the leaders of the meeting, that if they persevered in their intention of going in procession through the streets of London, they would be forcibly prevented from carrying that intention into effect. Upon that intimation being made to the hon. Gentleman (Mr. O'Connor), I understand a resolution was adopted by the meeting to disperse. But I cannot admit the inference which the hon. Member has drawn from the fact, that the preparations were useless. It is a fact that preparations were made: the knowledge of those preparations gave confidence to all loyal and well-disposed persons in this metropolis, and struck with terror those who might have been disposed to create confusion. I must also say, that, judging from all the accounts which I have received, nothing could have been more praiseworthy or meritorious than the conduct of the great body of the population of the metropolis. The spirit which animated them, and their cordial co-operation in the maintenance of order and peace, will, I have no doubt, have a good effect throughout the country. Indeed, this has been the result already. From accounts which I have received this morning, it appears that the information received in the country by telegraph yesterday, by persons anxiously awaiting intelligence from London, produced the best possible effects in the large towns of the kingdom; and what has occurred will, I have no doubt, have an effect also throughout Europe. The Government had a responsible duty to perform; and they have been enabled, under Providence, to discharge that duty, through the cordial co-operation of the great body of the people.

Mr. HUME denied that he had said that the Government were wrong in making preparations. What he had said was, that they were perfectly right in making the necessary preparations, but wrong in creating such disproportionate alarm.

Mr. O'CONNOR wished to put the right hon. Baronet in possession of a fact. It was, that before the authorities had communicated their intention of interrupting the procession, it was upon his recommendation resolved that the procession should not pass over the bridges.

House divided:—Ayes 321; Noes 19: Majority 302.

List of the Ayes.

Abdy, T. N.
Acland, Sir T. D.
Adair, H. E.
Aglionby, H. A.
Alcock, T.
Alexander, N.
Anderson, A.
Anson, Visct.
Anstey, T. C.
Arkwright, G.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bailey, J., jun.
Baines, M. T.
Baldock, E. H.
Baring, hon. W. B.
Barrington, Visct.
Bateson, T.
Beckett, W.
Bell, M.
Bellew, R. M.
Benbow, J.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Bernard, Visct.
Birch, Sir T. B.
Blackall, S. W.
Blackstone, W. S.
Blake, M. J.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Bourke, R. S.
Bouverie, hon. E. P.
Bowles, Adm.
Bowring, Dr.
Brackley, Visct.
Bremridge, R.
Broadley, H.
Brockman, E. D.
Brown, H.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Bunbury, E. H.
Campbell, hon. W. F.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Castlereagh, Visct.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Cayley, E. S.
Chichester, Lord J. L.
Childers, J. W.
Cholmeley, Sir M.
Christopher, R. A.
Christy, S.
Clay, J.
Clay, Sir W.
Clifford, H. M.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Colebrooke, Sir T. E.
Coles, H. B.
Compton, H. C.
Copeland, Ald.
Corry, rt. hon. H. L.
Cowan, C.
Cowper, hon. W. F.
Damer, hon. Col.
Davies, D. A. S.
Dawson, hon. T. V.
Denison, J. E.
Divett, E.
Dod, J. W.
Douglas, Sir C. E.
Douro, Marq. of

Drummond, H.
Drummond, H. H.
Duncan, Visct.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Dundas, G.
Dunne, F. P.
Du Pre, C. G.
Ebrington, Visct.
Egerton, Sir P.
Ellice, E.
Elliot, hon. J. E.
Estcourt, J. B. B.
Euston, Earl of
Evans, Sir De L.
Evans, J.
Evans, W.
Fellowes, E.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzpatrick, rt. hn. J. W.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Floyer, J.
Foley, J. H. H.
Forbes, W.
Forster, M.
Fortescue, hon. J. W.
Fox, W. J.
Fuller, A. E.
Gaskell, J. M.
Glyn, G. C.
Gore, W. R. O.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greenall, G.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Gwyn, H.
Halford, Sir H.
Hall, Sir B.
Hallyburton, Lord J. F.
Halsey, T. P.
Hamilton, G. A.
Hardcastle, J. A.
Harris, hon. Capt.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heathcote, G. J.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, J. W.
Herries, rt. hon. J. C.
Hervey, Lord A.
Heywood, J.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. T.
Hogg, Sir J. W.
Hood, Sir A.
Hope, H. T.
Hope, A.
Hornby, J.
Horsman, E.
Hotham, Lord
Houldsworth, T.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Hudson, G.
Hume, J.
Hutt, W.
Ingestre, Visct.
Inglis, Sir R. H.
Jackson, W.
Jervis, Sir J.
Jocelyn, Visct.
Jones, Sir W.
Jones, Capt.
Keppel, hon. G. T.
Kershaw, J.
King, hon. P. J. L.
Knox, Col.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Littleton, hon. E. R.
Loch, J.
Lockhart, A. E.
Lockhart, W.
Lowther, hon. Col.
Lushington, C.
Lygon, hon. Gen.
Mackenzie, W. F.
Macnaghten, Sir E.
Macnamara, Maj.
M'Neill, D.
M'Taggart, Sir J.
Magan, W. H.
Mahon, Visct.
Manners, Lord G.
Martin, C. W.
Martin, S.
Masterman, J.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Maxwell, hon. J. P.
Melgund, Visct.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Monsell, W.
Moore, G. H.
Morgan, O.
Morison, Gen.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Napier, J.
Neeld, J.
Neeld, J.
Noel, hon. G. J.
Norreys, Lord
Nugent, Lord
Nugent, Sir P.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Oswald, A.
Owen, Sir J.
Packe, C. W.
Palmer, R.
Patten, J. W.
Peel, rt. hon. Sir R.
Pennant, hon. Col.
Pigott, F.
Pilkington, J.
Plowden, W. H. C.
Pusey, P.
Rendlesham, Lord
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, J.
Rufford, F.
Russell, Lord J.
Russell, hon. E. S.
Rutherfurd, A.
Sandars, G.
Scott, hon. F.
Scrope, G. P.
Seymer, H. K.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Sibthorp, Col.
Simeon, J.
Slaney, R. A.
Smith, J. A.
Smith, J. B.
Smyth, J. G.
Somerset, Capt.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Talfourd, Serj.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thornely, T.
Tollemache, hon. F. J.
Tollemache, J.
Townley, R. G.
Townshend, Capt.
Trelawny, J. S.
Trevor, hon. G. R.
Trollope, Sir J.
Turner, E.
Turner, G. J.
Tynte, Col. C. J. K.
Tyrell, Sir J. T.
Vane, Lord H.
Verney, Sir H.
Villiers, Visct.
Villiers, hon. C.
Villiers, hon. F. W. C.
Vivian, J. H.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Wall, C. B.
Walpole, S. H.
Walsh, Sir J. B.
Watkins, Col.
Wawn, J. T.
West, F. R.
Whitmore, T. C.
Williams, J.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyvill, M.
Yorke, hon. E. T.

TELLERS.

Craig, W. G.
Tufnell, H.

List of the NOES.

Blewitt, R. J.
Callaghan, D.
Devereux, J. T.
Fagan, W.
Fox, R. M.
Gardner, R.
Grattan, H.
Greene, J.
Meagher, T.
O'Brien, W. S.
O'Connell, J.
Osborne, R.
Reynolds, J.
Scholefield, W.
Scully, F.
Sullivan, M.
Thompson, Col.
Thompson, G.
Walmsley, Sir J.

TELLERS.

Crawford, W. S.
O'Connor F.

Clause agreed to.

On Clause 2, making the measure applicable to Ireland.

MR. J. O'CONNELL moved the omission of all reference to Ireland. He objected to the clause, because he conceived that it would be exceeedingly ill-advised and unfair to apply the Bill at that moment to his country. It would be ill-advised for reasons which, as they would not possess any novelty, he would refrain from stating. There was an impression prevailing, however, in Ireland that that House was ever ready to extend the law of England to that country when it savoured of harshness and severity, but not when the extension would confer any advantage; and at a time when such extraordinary events were occurring in Europe, the Bill must tend to add to the existing discontent. Before the passing of the Coercion Bill, Irish Members had warned the House that they were breaking their pledges as to measures of relief; and in the fifth month of the Session not a step had been taken towards redeeming that pledge. The measure proposed by the Secretary for Ireland was but an aggravation of the ill treatment which Ireland had received. As to the second point which he had mentioned, the unfairness of this measure, he appealed to the House whether it could possibly be otherwise than unfair to punish men under this Bill for offences committed against the existing law? He thought that the cause of justice, as well as the interest of both countries, required that the clause should be omitted.

Sir G. GREY thought the real question was whether there was any reason why the law of treason in England and Ireland should not be the same. He saw no reason why parties who committed the offence in question in Ireland should not be subject to the same penalty as those who committed it in England.

Clause agreed to.

On Clause 3, authorising the punishment of transportation,

Sir G. GREY wished to make a few remarks on this clause before the House proceeded to consider any amendment. From the discussion which had already taken place, the House was probably aware what it was intended to enact. There were three offences contemplated by the clause, and, with the exception of open and advised speaking, they were offences under the 36th and the 57th George III., and subjected those who were guilty of them to the penalties of treason. The offences were, compassing, within or without the United Kingdom, the deposition of the Sovereign; levying war in order by force or constraint to compel the Sovereign to change Her counsels, or in order to put any restraint on Parliament; and seeking aid from any foreign country. Coupled with such compassing and imagining, there must be the expression of it by publishing any printing or writing; and the clause added, "by open and advised speaking." Now, in order to carry into effect the purposes for which the Bill was proposed, the Government thought it necessary to insert the words "open and advised speaking;" they proposed to alter the law with respect to speeches which now only amounted to sedition. He had stated the other evening, that the law had been found practically inefficacious, or at all events inadequate to the effectual repression of the offence of instigating, by public speeches addressed to large assemblies, the levying of war on the Sovereign, and the commission of those offences which brought persons within the charge of high treason; that although there were persons then in Ireland who were indicted for sedition, yet sedition being a bailable offence, they were enabled to continue prosecuting their designs precisely in the mode which had already subjected them to prosecution, and that even after the verdict had been obtained against them, the punishment would be inadequate to repress the offence. The Government had thought that if the Bill were confined to printing or writing, persons against whom the powers of the law ought to be directed would altogether evade its provisions. Without mentioning any name, he would take the case of a person editing a newspaper of an inflammatory character. That person avowed himself to be the editor of the paper, and the articles contained in the publication, coming within the provisions of the Act, would doubtless subject him to the penalties which, if this Bill became law, would be incurred by publishing or writing treason. But if this party chose to insert any other name than his own, as the editor or proprietor of the paper, he might go on inserting in the paper speeches made by himself from day to day, and defy the law. Under these circumstances it had been thought necessary to ask for increased powers with regard to persons who, by open and advised speaking, instigated to the commission of crimes which would subject the parties committing them to a severer punishment than the more guilty instigators. He was aware, however, that that was an important alteration to make in the law; and he fully admitted the force of the observations of his hon. and learned Friend the Solicitor General on the previous evening with regard to the comparative difficulty of proof as to words spoken and words written. It was justly said that words written were usually employed with more deliberation than words spoken; but although this was the case in some instances, he must say that when, day after day, they saw persons repeating the same advice, making use of the same exhortations, and holding out the same guilty objects, he could not but consider the speeches as made deliberately, and as designed to instigate to the commission of crime. At the same time he was quite willing to guard against any possible abuse, and to take precautions against parties being treated with greater severity than was requisite for the attainment of the object. The Government did think that this offence, committed under the circumstances and with the evident object which he had stated, should be treated as something more than a misdemeanor—in fact, it ought to be felony. If it were so treated, the party could not prosecute his designs as before, because he would be immediately subject to arrest, and the offence would not be bailable. Hon. Gentlemen said that this was the first time that public speaking, or rather speaking—for he would omit the word "public"—had been made the subject of an enactment with a view to the infliction of pains and penalties. He must take leave to correct that statement. The hon. Member for Cockermouth had stated on the previous night that Mr. Pitt, having proposed to insert these words, had subsequently been compelled to withdraw them, so that the Government, said that hon. Member, was attempting to do what Mr. Pitt, in the plenitude of his power, was unable to accomplish. Now, what Mr. Pitt really proposed was to make open and advised speaking treason. The Government now proposed only to make it felony; and if the hon. and learned Gentleman would look at the second clause of Mr. Pitt's Act, he would find a clause which was actually adopted, and was far more stringest than that now proposed. By the second clause of the 36th Geo. III., it was enacted that if any person should maliciously and advisedly, by writing, printing, preaching, or speaking, express, publish, utter, or declare, any words or sentences tending to excite and stir up the people to hatred or contempt of the person of His Majesty, he should be considered as guilty of a high crime and misdemeanor, and for the second offence should be subjected to transportation. The Government did not intend to propose such a clause. Again, by the 6th of Anne, chap. 7, clause 2, it was enacted, that if any person should maliciously, by preaching, teaching, or advised speaking, declare that the Sovereign Lady the Queen was not the rightful Sovereign of these realms, the party guilty of such offence should incur the penalties of *præmunire*. Those penalties, although they had become practically obsolete, were severe at the time, and the case was treated very differently from that of a mere misdemeanor. There was a proviso to which his attention had been called, which qualified the enactment of the 6th of Anne. It was that no person should be prosecuted by virtue of that Act for any words spoken, unless the information were given on oath before one or more justices of the peace, within three days after the commission of the offence. The prosecution also was to take place within three months after the offence; and no person could be convicted but upon the oath of three credible witnesses, it being most material that the evidence, whatever might be its nature, should be fresh in the mind. He would at once admit that the precautions provided in this clause of the Statute of Anne were reasonable and necessary, and he was quite willing to insert them in the clause then under consideration. By an Act passed not long ago, the Judges, in cases in which the penalty was transportation, were authorised to substitute imprisonment for a term not exceeding two years; and he was willing to extend that provision to the present case. He had stated to the House the amendments which the Government were willing, on consideration, to adopt; but they would not depart from the proposition they had made to constitute the offence felony—an alteration which they believed would render the law efficacious for its object.

Mr. F. O'CONNOR had given ample proof, in his own person, of the abundant stringency and severity of the existing law, without any further increase in its harshness. In 1839 he had extracted into his newspaper, from another journal, a paragraph of only five lines, to the effect that a poor little fellow had broken out of a workhouse on a certain day, but was afterwards recaptured and brought back; and that he had been so cruelly treated as to be driven to eat part of his own arm. For the publication of nothing more than this, and which, being in Scotland at the time, he never saw until an *ex officio* information was filed against him, he was tried before Mr. Justice Coleridge, and a special jury, and declared guilty. Afterwards he was condemned to sixteen months' solitary confinement in York Castle, for publishing two speeches in only 3,000 copies out of an impression of 34,000 of his paper (for as soon as his attention was drawn to the speeches during his absence at York he immediately ordered their further publication to be suppressed); but he was liberated two months before his term expired, because of the injustice he had suffered. He mentioned these things to show that there was no necessity for adding to the severity of the existing law; and he must repeat, that if they took away the liberty of speech from the people, they would give rise to a host of secret clubs and associations throughout the kingdom. He wished to know if a speech or written article were subsequently followed by an overt act of treason on the part of other individuals than the speaker or writer, the speaker or writer would be held a *particeps criminis*, as having induced the parties to commit treason?

SIR GEORGE GREY replied, that if an overt act of treason were committed in pursuance of certain advice contained in a speech or written article, the person giving that advice certainly might fairly be considered to be a guilty party.

MR. AGLIONBY wished to know the meaning of the clause now under consideration, for it seemed to him to be neither good English nor common sense. Indeed, it was not even "law sense," for he had asked the opinion of several legal gentlemen upon the construction of the sentence, and they could not understand it. It was construed by some to mean that any person who should discuss or advocate the separation, without force or levying of war, of any of the colonies (the Canadas, for instance), from the mother country, would be liable to be transported for life. He could not consent to a clause of this character, and could not believe the Government intended it to have any such effect. He would propose that the words "deprive of" be omitted from the clause.

The ATTORNEY GENERAL said, the terms of the clause were quoted verbatim from 36th George III., and there could be no difficulty in understanding them in connexion with the context. The case of a party at a public meeting advocating the separation of the Canadas by legal means would not come under the proposed Bill at all; but if the same individual counselled a recourse to arms to effect that object, that would be treason under the existing law, and felony under the measure now before the House.

MR. MOWATT said, they were now legislating under the influence of fear, otherwise an assembly like the present would not in the present day maintain that such a proposition as that before the House was at all reasonable. After all that the Attorney General and Solicitor General had said on the subject, he was bound to say that the obvious doubts upon and objections to the clause which must present themselves to any man on first reading it, had only been multiplied and confirmed by what had fallen from these high legal authorities. They had been told that this Bill, which proposed to constitute that felony which was never held to be so before, and to establish it by means of evidence which had never yet been admitted in either capital or felonious offences, would not operate so as to infringe the liberty of speech, and that the intelligence and integrity of judges and juries would secure us against such a result. This he held to be illogical, and only to be tolerated for a moment by a panic-stricken assembly. The Act, although full of grammatical blunders, and very ambiguous when it ought to be plain and unmistakeable, was, forsooth, to be defended, because some old law could be raked up as a precedent for it; and he had good legal authority for saying that a person standing up and saying that the time had at length arrived for separating some one or other of our colonies from the mother country, might under the clause be subjected to the penalties of felony for attempting to "alter the style, title, &c.," of the reigning Sovereign. He was ashamed to take part in a discussion of this sort; it was an insult to common sense, and a disgrace to the age and the assembly.

MR. G. THOMPSON said, that in the case of a penalty so severe, and an offence so novel, and when the evidence must, of necessity and inevitably, in ninety-nine case of a hundred, be furnished by hired spies and informers, quoting words spoken by the accused, and not producing language written by his hand; and, moreover, where the pages of *Hansard* could not be allowed to come into court to show what the various constructions of the law-makers upon the several clauses were, it was above all things absolutely necessary that the offence should be so clearly defined as to require no acumen or legal ingenuity to construe, so as to save the prisoner from being left to the mercy of any construction which a Crown prosecutor might choose to attach to the words.

Mr. AGLIONBY withdrew his Amendment.

House resumed. Committee to sit again.

BEWDLEY ELECTION.

Captain RUSHOUT moved—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the electing a Burgess to serve in this present Parliament for the Borough of Bewdley, in the room of Thomas James Ireland, esq., whose election has been determined to be void."

Sir J. HANMER, in rising to oppose this Motion, would not occupy the time of the House by dilating on the evils which resulted from the irregular practices that had been proved to exist at elections for the borough of Bewdley. It was, however, a most difficult thing for a private and individual Member of that House to propose any remedy for those evils; because if he proposed a general measure, numerous obstacles were thrown in his way; and if he took up any particular case, and proposed the disfranchisement of a particular borough, experience had shown that the adoption of such a measure was attended with no beneficial result. It had been said the other night that that House ought not to establish any general rule with regard to these cases, but ought to exercise a discretion; it never did exercise and never had exercised a discretion in an ameliorating direction. It was true that proposals had been made at various times to disfranchise the boroughs of Carrickfergus and Stafford, and the freemen of Liverpool and Yarmouth; but what had been the result of those proposals? His wish was that the House should be compelled to act in such cases according to the circumstances of each case, and with the exercise of a certain discretion. The law on this subject was at present in a very unsatisfactory state. In the last Parliament some Members who had taken every precaution to avoid corruption were deprived of their seats, or had their seats endangered, by the indiscretion of their agents, and were placed in the same category with those who had resorted to direct bribery. He called upon the House so far to divest themselves of the discretion they at present possessed, that, when a seat was declared void on account of corruption, some steps should be taken, before the issue of a new writ, to ascertain whether the exercise of the franchise in the place for which a Member was unseated might not be placed upon a better footing. He could point to places which were notoriously corrupt, and which had more representatives in that House than the Welsh counties, or many important and wealthy districts. He thought, after the report which had been presented to the House with reference to the last election for Bewdley, that they ought not to issue a writ without further inquiry. The Committee had reported, that the Gentleman who was returned for the borough of Bewdley was not duly elected, and that he had bribed a certain voter by a payment of 15*l.*; and they also reported, that that Gentleman had, by his agents, committed acts of treating for the purpose of unduly influencing the electors of the borough. Now, he thought the law on the subject of treating required some alteration; it was rather too prudish. It was very proper that candidates who kept houses open during elections should be liable to punishment; but he thought it rather hard, when poor electors came thirty or forty miles to vote for a candidate, that such candidate should not be able to exercise the ordinary rites of hospitality without jeopardizing his seat. The Committee on the Bewdley election reported that the unsuccessful candidate had, by his agents, been guilty of treating, by giving meat and drink to the electors after the issuing of the writ; and that it had been proved before them that during the last election, as well as at the election of 1841, almost every public-house and beer-house in the borough was kept open, and that meat and drink were supplied to the electors to a very great extent. He did not, in the Motion he was about to submit to the House, propose any definite course with a view to meet the evils to which he had drawn attention. All he proposed was, that the House should suspend the writ until it had an opportunity of considering the condition of the elective franchise in the borough of Bewdley. The noble Lord at the head of the Government had stated that he would bring in a Bill with regard to Horsham; and if he had known the noble Lord's intentions with reference to that borough, he would have wished, if it were possible, that the Bill should also apply to Bewdley. If the House assented to his Amendment, he hoped the Government would feel it their duty to take the initiative, and to say in what manner, in their opinion, the borough of Bewdley might be reformed. He would recommend the principle of the husbandman—

> "Inutilesque falce ramos amputans,
> Feliciores inserit."

He begged to move as an Amendment—

> "That the Return for Bewdley having been declared void for bribery and corrupt treating, and other corrupt practices, stated to have prevailed there, it is necessary to consider the condition of the Elective Franchise in that place, with a view to its reform, and in the meantime to suspend the Writ."

MR HUME, in seconding the Motion, said, it was evident from the report of the Committee, that great corruption had taken place at the last election for the borough of Bewdley, and he thought the House ought to suspend the writ until they had considered that report. He hoped the noble Lord at the head of the Government would bring forward some measure with a view to prevent such demoralising practices.

VISCOUNT CASTLEREAGH did not wish to occupy the attention of the House; but as he believed he was the only Member present who had undergone the penalty of fourteen days' sitting on the Bewdley Committee, he might say he thought the House ought not to pursue a different course with regard to Bewdley to that which they had pursued in the case of Harwich. They had had a great deal of evidence before them of treating, some evidence of intimidation, and some of getting voters away—in short, a system appeared to prevail in Bewdley which could not be justified either in or out of the House. There was strong reason for that House to look to the representation of Bewdley, with a view to its reform; but he would ask them to give to the borough the same measure of justice which they had given to Harwich. If they looked to the question of representation—which he thought would very soon be pressed upon them—if they looked to a new Reform Bill, and a measure for enlarging the representation of this country, and would take advantage of the lesson which was taught them when they refused to the large towns a representation at the time of the Reform Bill, they would find that the case of these boroughs would be the first that would call for their interference; and, wherever they found the same practices prevail, it would be their duty to endeavour to corret them.

The House divided on the question, that the words proposed to be left out, stand part of the question:—Ayes 80; Noes 38: Majority 42.

Writ issued.

REPEAL OF THE UNION (IRELAND).

MR. JOHN O'CONNELL: Sir, I rise to address the House, deeply, and, I trust, most fully impressed with the importance of the question I have to lay before them, as well as of the tremendous difficulties I have to contend with in so doing. Its importance, combined with the feebleness of its advocate, constitutes, of course, my main difficulty. But I have a host of others in the adverse prepossessions with which I have to contend—prepossessions personal and political, or, perhaps, I might better say, national. With regard to the first class of these adverse prepossessions, Sir, I am conscious that if the magnitude of the subject on which I am about to enter, does not of itself influence those who are to be my opponents, not to embarrass its consideration with other matters, any deprecatory remarks of mine could have but little effect, even were I disposed to make them. All that I shall say on this point is, that I shall endeavour to avoid anything either now, or, if permitted to reply, at the close of the debate, which, even in self-defence, might serve to keep up irritation, and prevent the decision of the House being come to in a calm, a reasoning, and a considerate spirit. With regard to the political, or, as I have called them, national prepossessions, against which I have to contend, I respect them while I deprecate them. It is most natural—nay, it is most creditable, that the natives of a country which has attained such foremost rank amongst the nations of the earth, should oppose themselves to any measure which may appear to them to injure that pre-eminence. I will not dwell upon what may be attributed, in the opposition I am about to receive, to that love of power, which is among the strongest instincts of the human heart. I prefer to give entire credit for that love of country and honest national pride, against which I would be the last to say a word—inasmuch as they are the sentiments which I most heartily desire to see universally prevalent in Ireland. It will be my endeavour to prove that which is the most deep conviction of my mind, or otherwise I should not be making this Motion here to-night—that while the measure I have to propose must be of enormous benefit to Ireland, it can in no degree injure, but, on the contrary, must serve materially and permanently the interests of Great Britain herself, and add to and confirm the strength, the prosperity, and the glory of the united empire. I am here to-night to give expression to the desire entertained by millions of the people of Ireland for the restoration to them of the right of making in their own native Parliament at home the laws by which they are to be governed. I will not delay the House with any lengthened reference to known facts, to prove that which I think cannot be disputed—that the large majority of the Irish nation are openly and avowedly devoted to the object I have just now enunciated. During the agitation for Catholic Emancipation, the late Mr. O'Connell had much experience of the strength of the popular desire for Repeal; and it was with considerable difficulty he was able to confine the agitation to the former object, the attainment of which he believed to be a useful preliminary to the latter. There has been at different times much reproach thrown upon him in England for not ceasing his agitation with the success of 1829. I will not stop now to discuss whether the measure of that year has or has not been carried out in the spirit with which it was professedly brought forward—namely, the spirit of entire social and political equality, to be practically carried out, and not to be confined to a little beyond the mere letter of the law. I will not canvass what I believe to have been the constant and disastrous policy of reaction, which, I fear, has been acted on covertly, but more or less actively, by the successive Governments we have seen since the passing of the Catholic Relief Act; nor the consequent necessity of agitation to check that reaction. But I will say, that had Mr. O'Connell, after that measure, stopped short, and refused to agitate for Repeal, the people would have gone on without him, and have given themselves up to the guidance of men who had nothing of his love of order, his anxiety for the assertion and maintenance of the rights of all classes, and his determination to uphold the laws and the constitution. The confession of the Ministers in the House of Commons in 1833, attests the strength which the Repeal agitation had already attained in that year: a decisive proof that notwithstanding the falling away of the richer classes, who had now open to them the prices of their particular ambition, the great body of the Irish people were devoted to the ulterior object—the restoration of the Irish Parliament. In 1834, Mr. O'Connell was compelled to bring the question of Repeal, as he thought, prematurely, before the House, which then decided it by a large majority—at the same time adopting a pledge, concurred in immediately by the Lords, and ratified by the assent of the Crown, that though Repeal would not be granted, justice should be done to Ireland in all other particulars. Mr. O'Connell resolved that it should not afterwards be laid at his door, that by perseverance in Repeal agitation he had prevented that substantial justice in minor matters being done to Ireland, to which the three estates of the realm were then so solemnly pledged; and accordingly he made six years' experiment of abating the cry for Repeal. So strong was the sentiment of Repeal in the people's hearts, that, rightful and necessary as was the step he thus took, it yet caused to him an abatement of popular confidence, which he never fully recovered to the day of his death, and which for a time after he renewed the agitation for Repeal in 1840, prevented his efforts from being as generally responded to as had, until then, always been the case. At length in 1843 he induced the people of Ireland to make that great peaceful demonstration of their will which has never been equalled in true grandeur and sublimity by any movement of a people before recorded in history. The mad and criminal conduct of a few persons, whose real designs were unknown to him until too late, interfered with and marred the due effect of that demonstration; but it had at any rate established the fact that the overwhelming majority of the people of Ireland were in favour of Repeal. Internal divisions resulting at last in secession and open hostility among sections of Repealers, and then the distracting effects of the calamity with which Ireland has been visited, and under which she is still suffering, have operated during the last three years to prevent demonstrations of the same magnitude; but the very fact that the agitation has lasted through all these discouraging effects—that the popular Association, which was the centre of that agitation, has subsisted, and yet subsists, notwithstanding all divisions, secessions, distress, distractions, and notwithstanding the loss of him who founded it, and in whom the people reposed a confidence such as never yet was given and never again will be given to any other man; proves even stronger than would the revival of the monster meetings themselves, how deep, strong, and enduring is the desire for Repeal. The Bill, Sir, which I this night ask leave to lay upon the table, as the first step towards meeting this desire of the people of a kingdom forming one-third of this empire, was drawn up by the late Mr. O'Connell, and consists of between twenty and thirty clauses, repealing the Act of Union, and enacting the restoration in their full powers of the two Houses of the Irish Parliament. I should have had to ask for a Committee of the whole House in case the Bill had gone into any of the details of international arrangements that may be considered necessary in the event of Repeal. If for these purposes the form of an international treaty be required to be gone through, as in the case of the Union, the Bill I hold in my hand in no way impedes, but rather facilitates, such a step. It proposes to reconstitute the Irish Parliament, in order that the Irish nation should be upon an equality with you in treating. We should have our own separate Parliament to treat on our parts, as the Repeal of the Union by this Bill would give you yours for the same purpose. On the other hand, if by reason of your superior power you shall insist on arranging the basis of Repeal in the United Parliament, this Bill in no way interferes with you, but can lie on the table until the arrangements are finally settled; and must then be passed either separately or combined with the Bill that shall embody those arrangements. I state this in order that no mere technical objection shall be interposed to prevent the House from giving at once a proof to the people of Ireland that there is a disposition really and earnestly to consider their demands. In support of those demands, Sir, I am here to arraign the existing state of things with regard to legislation—that is to say, the system of legislation by an United Parliament, as unjust, injurious, and therefore most unwise. It is unjust to Ireland. It commenced in injustice—it has been maintained in injustice—it exists in injustice to Ireland. The Irish nation was no party to the Union. That this was the case needs no words of mine to prove, when I have the testimony to read to the House of two noblemen whose declarations upon the subject cannot but be considered of weight. I quote my Lord Plunkett, in the first instance. Speaking in one of the debates on the Union, he thus expressed himself with regard to the manner in which it was sought to be enacted:—

> "At a moment when our country is filled with British troops—whilst the Habeas Corpus Act is suspended—whilst trials by courts-martial are carrying on in many parts of the kingdom—while the people are made to believe that they have no right to meet and to deliberate—and whilst the people are palsied by their fears—at the moment when we are distracted by internal dissensions—dissensions kept alive as the pretext of our subjugation, and the instrument of our future thraldom—such is the time in which the Union is proposed.
>
> "I, in the most express terms, deny the competency of Parliament to do this act. I warn you, do not dare to lay your hands upon the constitution. I tell you, if, circumstanced as you are, you pass this Act, it will be a NULLITY, and that no man in Ireland will be bound to obey it. I MAKE THIS ASSERTION DELIBERATELY. I repeat it, and call on any man who hears me, to take down my words. You have not been elected for this purpose—you have been appointed to make laws, not legislatures. You are appointed to act under the constitution, not to destroy it. You are appointed to exercise the functions of legislators, and not to transfer them; and if you do so, your act is a dissolution of the Government; you resolve society into original elements, and no man in the land is bound to obey you."

The late Earl Grey thus spoke in the debate on the same measure in the English Parliament:—

> "If the Parliament of Ireland was left to itself untempted, unawed, unintimidated, it would, without hesitation, have rejected the resolutions. There are 300 Members in all, and 120 of these strenuously opposed the measure, amongst whom were two-thirds of the county Members, the representatives of the city of Dublin, and almost all the towns which it is proposed shall send Members to the Imperial Parliament; 162 voted in favour of the Union; of these 116 were placemen, some of whom were English generals on the staff, without a foot of ground in Ireland, and completely dependent upon Government. . . . . Let us reflect upon the Acts which have been used since last Sessions of the Irish Parliament to pack a majority in the House of Commons. All persons holding offices under Government, even the most intimate friends of the Minister, if they hesitated to vote as directed, were stripped of all their employments. Even this step was found ineffectual, and other arts were had recourse to, which, though I cannot name in this place, all will easily conjecture. A Bill framed for preserving the purity of Parliament was likewise abused, and no less than sixty-three seats were vacated by their holders having received nominal offices. . . . . Twenty-seven counties have petitioned against the measure (the Union). The petition from the county Down is signed by upwards of 17,000 respectable independent men, and all the others are in a similar proportion. Dublin petitioned under the great seal of the city, and each of the corporations in it followed the example. Drogheda petitioned against the Union, and almost every other town in the kingdom in like manner testified its

> disapprobation. Those in favour of the measure, possessing great influence in the country, obtained a few counter petitions; yet, though the petition from the county Down was signed by 17,000, the counter petition was signed only by 415. Though there were 707,000 who had signed petitions against the measure, the total number of those who declared themselves in favour of it did not exceed 3,000; and many even of these only prayed that the measure might be discussed. If the facts I state are true—and I challenge any one to falsify them—could a nation in more direct terms express its disapprobation of a political measure, than Ireland has of a Legislative Union with Great Britain? In fact, the nation is nearly unanimous; and this great majority is composed not of fanatics, bigots, or Jacobins, but of the most respectable of every class in the community."

I have quoted, I think, enough to prove the Union commenced in injustice to Ireland, inasmuch as the voice of the nation was suppressed, or where heard was raised against it: the Parliament was bribed and packed. I will not delay with the details of the foul and filthy corruption that was practised—the making of nearly forty peers, of twelve bishops, of nine judges, besides a cloud of admirals and generals, as well as of numerous civil appointments; and where none of these availed, the direct money bribes (8,000*l.*) to procure votes for the Union. Neither will I go into the details of the horrors of the rebellion, fomented for the purpose of carrying the Union. It is sufficient for my case at present that the Parliament that sold the country was not elected with any knowledge, on the part of the constituents, that it was to meddle with the constitution of their country, and therefore with no assent or instructions from them—that it was also a bribed and packed Parliament—and that in so far as constitutional expression of the popular will was allowed to the people, they protested against the Union. The next injustice of the Legislative Union was the inadequacy of representation that it gave in the Imperial Parliament. Upon this point I am not disposed to insist much at this moment, lest it should be imagined that I am in any way suggesting an alternative which would content the people of Ireland, and make them abandon Repeal. I shall therefore say no more, at least at present, than that Lord Castlereagh himself, even by his own calculations—unfair towards us as they were—was obliged to allow that we ought to have 109 representatives, and he gave us but 100. I come, Sir, to the point as to the existing and subsisting injustice to Ireland of the Union. It mainly consists in this—that we are deprived of the means of influencing the legislation and administration of our affairs, which the constitution recognises as the people's right. The seat of Government is too far away from us for our voices to be heard, or our opinion to have weight. I need not refer for proof of this to anything beyond the admissions so frequently made in this House itself. I can appeal to the right hon. Baronet the Member for Tamworth, and to the noble Lord at the head of the Government. Both have at various times noted and lamented the fact, that concession to Ireland was always delayed too long, and given too grudgingly. Both have declared that Ireland ought to be placed upon an equality with England in all rights and privileges short of the Repeal of the Union; and yet neither, notwithstanding their repeated terms of office, have been able to carry out their own declarations, owing to the dread of opposition here. Ireland is still much inferior in Parliamentary franchises, and in municipal powers and privileges, to say nothing of the monstrous anomaly of having a most burthensome Establishment, for the support of the religion of a small minority among her people. Sir, we have petitioned a hundred times on these subjects, until at last our people are beginning to despair of petitioning, and we have met no relief—and why not? Because this House is surrounded and acted upon by English opinion alone, and is preoccupied with English interests. Demonstrations of opinion in England, that had not one half the importance and concentration of such demonstrations in Ireland, have at once been attended to, while we have been neglected. I need instance only what took place within the last month. The noble Lord declared he required, for the necessities of Government an addition to the income-tax. A few articles appeared in some of the newspapers against his demand. Some three or four meetings were held, not particularly numerously attended, and at once the noble Lord, or his Colleague, the right hon. the Chancellor of the Exchequer, declared for him, that they would bow to the opinion of the country, and withdraw the project, and I think they did right; but I do not think they ought to confine to England alone their promptness of concession to opinion. The opinion of Ireland also should be conceded to; but owing to the remoteness of the seat of Government it is not allowed equal weight. If you are still opposed to Repeal of the Union, but at last disposed, in some measure, to perform your promises and do us justice in minor matters, why not introduce at once a prompt and liberal measure of increased franchises for us, and an addition to the number of Irish Members—such addition to be on the combined or separate bases of comparative population and taxation liabilities? If you combine these bases you get as follows: The separate taxation of Great Britain is 12,000,000*l.* only out of the 53,000,000*l.* of imperial revenue—that is to say, less than one-fourth of the same. The Irish taxation liabilities, therefore, are to the British at least as three to four; population is as one to three. Required proportion, four to seven; which would give Great Britain 419 Members, and Ireland 239 Members. Comparative population, if taken alone, would show Ireland entitled to at least 220 Members; and if the respective taxation liabilities were alone considered, she should have 282 Members out of the 658. I throw out this short calculation to show you how unjust is our present restriction to 105 Members; but by no means as advocating the remedy of this injustice as a substitute for Repeal, as to which I, for one, cannot, and, if I could, never would, make any compromise. The injustice of the Union is again felt by us in money matters. I shall have to speak again on this point of my case, and shall therefore confine myself to some very brief remarks at present. The Union Act established fiscal arrangements which, in 1816, were revised, confessedly and declared, because of their injustice and hardship to Ireland. A new arrangement was then made, which has not, in the thirty-one years gone by since then, abated the amount of exaction from Ireland; but the direct effect of which is, that every penny of our revenue which remains over after paying the reduced charges of the State in Ireland, is drained away from us and poured into the English Exchequer. Thus we have up to last year, sent away an aggregate of upwards of twenty-seven millions, while we have not received—even including the grants in the times of our greatest distresses—more than seven and a half millions, leaving a balance of drain, as I must call it, from us, of twenty millions. The Parliamentary paper that proves these facts has been laid on the table within the last few days, and is in fact but a repetition of previous documents. Of these twenty millions, far the greater part should have been left in Ireland, to be there expended upon imperial purposes, such as the maintenance in our harbours of a large division of the fleet, and various other ways which I need not now stop to indicate. To a country suffering so much from the drains of absenteeism, this most legitimate expenditure would have been of singular value. I come now, Sir, to the injurious effects of the Union. I shall trouble the House with as few details as possible on this point. I do not expect that we shall have any one bold enough to boast on this occasion of the prosperity of a country which is reduced down to such a depth of misery and pauperism as is the case with unfortunate Ireland at the present moment. I will read to the House some authentic testimony as to her condition under her free Parliament up to 1800, and her condition at various periods since. The Earl of Clare, a Minister of 1800, and one of the Irish artificers and advocates of the Legislative Union, confessed that—

> "No nation on the face of the habitable globe had advanced in cultivation, in agriculture, in manufactures, with the same rapidity as had Ireland since 1782."

Lord Plunkett, late Lord Chancellor for Ireland, declared at the same that—

> "The revenues of Ireland, her trade and commerce, were thriving beyond the hope or example of any other country to her extent—within a few years advancing with a rapidity astonishing even to herself."

The bankers of Dublin, in 1798, and the merchants of Dublin, in 1799, bore equal testimony to the rapidly growing prosperity of Ireland subsequent to 1782; and a Committee of the Imperial Parliament that sat in 1804 embodied similar acknowledgments in their report. A Committee of the House of Commons, appointed to inquire into the state of the Irish poor in 1823, reported that—

> "A large portion of the people of Ireland lived in a state of misery of which no conception could be formed. In some parts of the country one-half were without employment; in others the proportion was still greater."

A similar Committee, in 1830, reported that from one-fifth to one-fourth of the entire population were in destitution. A Royal Commission for the same object reported, in 1834, that 2,384,000—more than one-fourth of the Irish people—were then in destitution. The census report of 1841 announced the same sad tale as to more than 40 per cent of the combined rural and town population. Four years later Her Majesty's Commission, under the Earl of Devon, reported that the people of Ireland were

> —"badly fed, badly housed, badly clothed, and

> badly paid for their labour—that it would be impossible to describe adequately the sufferings and privations which they endured; that a bed or a blanket was a rare luxury; that nearly everywhere a pig and a manure heap were the only property; and that the Irish population endured greater sufferings than the people of any other country in Europe."

When Lord Devon made his report, the worst was thought to have been reached; but, alas! there was a lower depth still into which poor Ireland was doomed to fall. Since then a million of our poor people have perished of starvation; another quarter of a million have been driven to emigrate in such misery that more than 20 per cent of them have died on the passage or immediately after arrival; and nearly four millions of these yet living at home had, last summer, to be supported by gratuitous relief. Who shall say how many of those poor wretches have perished since the cessation of that relief, and how many are daily wasting away from the face of the earth? Oh, Sir, whatever argument shall be brought against me, I do trust, at any rate, that we shall not have the always fallacious, but now the most insulting and mocking argument, that Ireland has prospered since the Union. Prospered—with a needy and absentee aristocracy—a beggared gentry, ruined manufactures, struggling and embarrassed commerce, small dealers bankrupt in the towns, farmers broken in the country, and a starving and perishing population! I directly and immediately trace to the Union, not to the potato rot of course, the disasters which it has here caused. The peasant was reduced to the potato, because the excessive rents and the scanty and insufficient wages of his labour left him not the means of providing better food. The potato he raised himself; and its capability of nourishment is known to exceed all other crops as three to one. What caused these heavy rents, and this deficiency of adequate employment and wages? The excessive competition for land, by which the tenant was at the mercy of the landlord—as, if he did not offer a ruinous price, another would. The same competition overstocked the labour market; and what produced this excessive competition? Simply the absence in Ireland of nearly all other means of living, save by holding of land. Manufactures had declined and decayed, and could no longer bear their part in furnishing employment, and giving thereby means of maintenance to any considerable portion of the population. And what was the cause of their decline and decay? Simply the drain of capital from Ireland by absentees, by remittances of revenue and other outgoings. Where a sum exceeding in amount the annual revenue that Ireland is able to pay by taxes is drained away in absentee remittances and other outgoings, it is as impossible that the remaining capital of the country can circulate healthfully, as that there can be health and strength in the human body when there is a drain of blood from it. Finally, what caused absenteeism? Simply, the want of a Parliament at home, which would give a reason and an inducement to residence. As I have spoken of the outgoings of Ireland, it may be well that I should draw attention to them here, in order that their extent may be, in some measure, known. I will state also the other side of the account; and we shall see which way the balance lies:—

OUTGOINGS OF IRELAND.

Absentee rents	£5,000,000
Payments on loans and mortgages, &c., at least	2,500,000
For manufactured goods, which we no longer make ourselves ...	9,500,000
Crown and quit rents, unacknowledged revenue and revenue remittances	750,000
Total outgoings ...	£17,750,000

INCOMINGS OF IRELAND.

Value of linen and remnants of other manufactures	£3,500,000
Other exports	9,000,000
Total incomings ...	£12,500,000

Which leaves an excess of outgoings amounting to at least 5,250,000*l.* With regard to imports and exports, it should be remarked that the former consisted of articles which if made at home, as they were in a great measure before the Union, would give abundant employment; whereas, the exports being chiefly of cattle and corn, employed comparatively little labour in their production, and were, besides, exported from a starving people. Surely that could not be a healthy state of things, in which food was exported, and the people left in want of the necessaries of life. Upon this branch of my subject, I need, I believe, say little more, as the facts speak for themselves. There is, however, one significant index of the poverty of Ireland, which should not be omitted: I mean the small increase of her revenue since the Union, notwithstanding the large increase of taxation:—

	Great Britain.	Ireland.
1802 ...	£36,925,000 ...	£3,545,000
1846 ...	54,700,000 ...	4,900,000

Now, how stand matters as to relief, and imposition of taxation?

	Relief of Taxation.		Imposition of Taxation.	
	Great Britain.	Ireland.	Great Britain.	Ireland.
	£.	£.	£.	£.
From 1800 up to 1815 (inclusive)	...	...	30,000,000	4,450,000
From 1815 up to 1845 (inclusive)	47,114,574	2,664,090	10,620,000	1,060,000
Totals up to 1846.....	51,500,000	2,900,000	40,620,000	5,510,000

It will thus be seen that if the increase of Irish revenue were small, it was not by reason of Ireland having been much favoured in taxation matters as compared with Great Britain. But striking as was the return I have read, it does not reveal fully the extent of the effort the Imperial Parliament has made to screw up the Irish revenue. The following testimonies bear on this point:—

> "For several years Ireland has advanced in permanent taxation more rapidly than Great Britain itself, notwithstanding the immense exertions of the latter country, including the extraordinary and war taxes—the permanent revenue of Great Britain having increased from the year 1801 in the proportion of sixteen one-half to ten—the whole revenue of Great Britain, including war taxes, as twenty-one one-fourth to ten—and the revenues of Ireland in the proportion of twenty-three to ten. But in the twenty-four years referred to your Committee, the increase of Irish revenue has been in the proportion of forty-six three-fourths to ten."

Mr. Vesey Fitzgerald, the Irish Chancelcellor of the Exchequer, 1816—

> "You contracted with Ireland," said he, "for an expenditure she could not meet—your own share you could not meet, but by sacrifices unexampled by exertions, the tension of which only England could have borne. Ireland had been led to hope her expenditure would have been less than before she was united to you. In the fifteen years preceding the Union it amounted to 41,000,000*l.*; but in the fifteen years of Union it swelled to the enormous amount of 148,000,000*l.* The increase of her revenue would have more than discharged without the aid of loans and expenditure greater than that of the fifteen years which preceded 1801."

The Marquess of Lansdowne, in a speech on the state of Ireland in 1822, complained that the increase of the Irish taxation since the Union was so excessive as to destroy revenue. He said, that in 1807 the revenue amounted to 4,378,241*l.*; but that between that year and 1815 new taxes were imposed, from which an additional income of 3,376,000*l.* was anticipated, but that the result was an absolute diminution of income, the revenue, in 1821, having been 533,000*l.* under its amount in 1807. Mr. Poulet Thompson, on the 20th of March, 1830, in moving for a Select Committee to inquire into the expediency of making a revision of the taxes, quoted the foregoing, and said that the case thus "established, in the instance of Ireland, was written in characters too legible not to serve as a guide to future financiers, and was one which ought to bring shame on the memory of its authors." I think I have shown, Sir, that the small increase of our revenue since 1800 has not been attributable to want of effort on your part to screw it up, and that I am therefore fully entitled to claim it as a proof of the poverty of the country after forty-eight years of your boasted imperial legislation. Recollect that out of the thirty-four or thirty-five millions of annual revenue, your separate taxation is only thirteen and a half millions, which leaves about forty-two millions as the product of taxes equally heavy in both countries. Now of this we pay by the equal taxes, say five millions, while you pay thirty-seven millions. The difference is not caused by heavier rates, for the rates are entirely equal as regards items of taxation, which produce these sums. What, then, is the real reason of the disparity? Simply this, that being so poor we are not able to consume taxed articles in the same proportion, as respects our comparative population, as you are as respects yours. Our population is one-third of yours. If we were equally rich with you, our consumption of articles equally taxed in both countries would be in about the same proportion, and the case then would stand thus, namely — Great Britain 37,000,000*l.*; Ireland 12,660,000*l.* But our present poverty prevents us paying more than five millions; therefore, by reason of your refusing to restore to us the means of upraising the condition of our country, you deprive the empire of nearly eight millions of annual revenue, which could be had without one additional tax. I know, with regard to any point that may be attempted to be made as to your paying separate taxation, even to the extent of twelve millions, let me remind you that in arranging the articles of Union it was declared that no union could be formed, with any degree of common justice and common honesty, that did not keep Ireland free from the annual charge of your debt, previously contracted. The amount of annual charge on this score as compared with Ireland, I shall now give, as also the amount of the principals of both debts; and further, the respective amounts sixteen years later, when the financial arrangements of the Union were altered, for the declared reason that they had been proved unjust and grievous to Ireland:—

	GREAT BRITAIN.		IRELAND.	
	Debt.	Annual Charge.	Debt.	Annual Charge.
5th January 1801	£. 450,504,984	£. 17,718,851	£. 28,545,134	£. 1,244,463
5th January 1817	734,522,104	28,238,416	112,704,773	4,104,514*

Now, I first remark upon the foregoing, that the excess of the charge of your ante-Union debt over that of ours was, in 1800, fifteen millions annually; and the separate taxation you pay is little more than twelve millions. The grievousness of the financial arrangement of the Union is shown by the table I have given; they having caused the Irish debt to increase nearly three hundred per cent in the fifteen years, while the British debt increased only sixty per cent. I shall not delay the House with the numerous quotations I could give from the admissions made in the House of Commons in 1816, and the report of the Finance Committee, which recommended the change then made in the unjust financial arrangements I have spoken of. The nature and effect of the change then made is, however, of importance. It professed to relieve Ireland of the heavy and growing charge of her particular debt thus unjustly aggravated; but at the same time it did away with all safeguards given her by the Union Act against being held responsible to the last penny for every charge that was on Great Britain; so that this change, commonly known as the consolidation of the Exchequers of the two countries, pledged Ireland thenceforth, and for ever, to the utmost of her ability—to the last penny that could be screwed out of her—to contribute to the debt of Great Britain, put her in the impossibility, until that debt should be paid off, of devoting any surplus of her revenue, if it were to increase a hundred-fold, to any but British purposes. Now, Sir, this common and unlimited liability of Ireland was in direct violation of the Act of Union, which provided in Article 7 that she should not—as in common honesty and fairness she ought not—to be subjected to such common liability until her circumstances should be so much improved as to admit of her contributing indiscriminately with Great Britain by equal taxes—a circumstance the very absence of which was deplored by the Minister who passed the Consolidation Act. Instead of passing the latter, he should have revised and made lighter to Ireland the unjust and grievous financial arrangements of the Union, and postponed, until better times at least, the wholesale mortgage of Ireland which was effected by the Consolidation Act. Its consequences in detail would too much lengthen out the review I am taking of all the injustices inflicted on us by and since the Union. I shall, therefore, confine myself to saying, that on reference to the successive volumes of the annual finance accounts since 1816, and going through the necessary calculations, hon. Members will find that the great pretence of the Consolidation Act—namely, that it would lighten the exactions from Ireland, which were declared to have been found unjust and excessive, has not been realised, as the Union proportions of contribution have in practice been maintained, instead of being reduced; and, in fact and truth, every penny, as I said before, that could be got out of Ireland has been taken from her. If she has been able to pay the Union proportion of contribution, which, previous to 1816, ran her so heavily into debt, it is because the expenditure of the United Kingdom has diminished one half since then; but whether it be large or small, the Consolidation Act has so mortgaged Ireland for all England's liabilities, that whatever surplus of Irish revenue over the reduced Government expenditure in Ireland there may be at any time—if it be ten pounds, or ten hundred thousand pounds—if it were ten millions — every penny should go to England. I have before cited testimonies to show that every possible effort has been made to tax us, and abandoned only because found unproductive. The assessed taxes of Ireland are a clear proof of this, as they were finally abandoned in 1822, avowedly because failing of production. Taking the whole amount realised by them, it will be found that the entire relief given in this way to Ireland, by reductions in 1818, and total repeal in 1823, was 536,000*l.*; whereas the reductions and repeals of assessed taxes in Great Britain were to the amount of 5,170,000*l.*, as may be seen on reference to a Parliamentary return of 1842. The right hon. Member for Tamworth confessed Ireland's inability to give any profitable return by an income-tax when he was bringing in that measure; and one of the taxes which he then imposed upon her by way of substitution he had the following year to repeal, because of its unproductiveness. Long as I have had to dwell upon those subjects, Sir, I feel I have by no means said all that there could be said, and that my inevitable omissions will be readily seized upon, and attributed, not to my anxiety for the convenience of the House, but to other reasons. I think, however, that a fair and candid review of what I have advanced on these two points, the injustice and injuriousness of the Union to Ireland, will be found amply sufficient to prove my case. I shall have presently to show you briefly, but, I trust, plainly, that the Union is injurious to you. I now come, Sir, to my third point, namely — that the Union is unwise. I think it so, first and chiefly, because it keeps the people of Ireland in perpetual discontent and poverty, thus morally and physically incapacitating them to be that support in the difficulties and dangers of the empire, and that bulwark against the chances of foreign invasion, which they would be if their affections were conciliated by kind and equitable treatment, and the strength and energies of their country reinvigorated by the stoppage of her wasting drains, and the healthful and active circulation at home of her restored capital. If her people should be mad enough (which, indeed, whatever may be the case in a few localities, I do not believe), to allow themselves to be incited to insurrection, you will, doubtless, put them down; but with what waste of blood, and treasure, and with what storing up of future and ever-recurring insecurity and peril! Blood never well consolidates the edifice of freedom; but neither is it a lasting cement for oppression. And I must tell you, so bitter, burning, and so deep is the inveteracy of feeling which your ill treatment, your slights, your oppressions, have created for you in Ireland, that you must resolve upon a worse than Elizabethan or Cromwellian policy for Ireland, or upon one of generous and entire concession. No middle course remains; and if you do resolve upon the Cromwellian policy, sit you down first and count the cost; and make up your mind to that cost beforehand. Why, at this moment what heavy expenses have you not added to the ordinary outgoings of the State by reason of your neglect and ill treatment of Ireland? You have had to collect rents for landlords by the use of soldiery and police; and you will have to do so again and again. You have had, and still have, to collect rates by the same means; and even those means will fail of profitable result. Cases have been mentioned to me in the West of Ireland, where the potato pot—the only remaining article of furniture in the cabins of the wretched ratepayers, and even the damp straw on which they lay at night, have been carried off by the collector, with his escort of thirty soldiers and police. Do you think of the cost of all this? Have you no recollections of a sum of arrears of tithe amounting, I believe, to 12,000*l.*, costing you 27,000*l.* in military and police expenses? And if this is to go on, as go on it must, aye, and become every month more and more aggravated in grievousness; how will you ever be able to effect reductions in that general expenditure of the State, of which you so heavily complain? These, I do submit, are considerations deeply worthy of your most serious attention. Weigh them well before you finally decide. On the one hand, with the Union discontent, ruinous and ever-increasing expense, and danger to both countries; on the other, conciliated affections, increased and increasing revenues, and peace, strength, and prosperity to the empire. I showed you before how the revenues of the State would be most certainly increased, even without one additional tax, if by repealing the Union you checked the drain of capital from Ireland, and left it to fructify at home. I showed you how our present poverty leaves us able to consume so small a proportion of excisable and customable articles on which the duties are the same in both countries—that the respective payments of both countries on those equally taxed articles are as nine to one, instead of as three to one—and I drew the fair conclusion that as we improved in prosperity, our additional consumption of those articles would raise our payments to the latter proportion, and thus give you seven or eight millions more of money annually towards the purposes of the State, without a single additional tax; and of course our restored prosperity would then enable us to bear the burden of an income-tax if the necessities of the empire required it. But the Repeal of the Union would not only increase the general resources by the renovated prosperity of Ireland, but would actually diminish the expenditure. For instance, the army expenses of Ireland average more than a million in the year. The police expenses of all kinds, occasioned and aggravated by the discontents of the country, must, if we take into consideration the multitude of informations, prosecutions, and the pay and support of informers and detectives, come to something like half a million. Upon these items alone, a certain reduction could be made if you did justice to Ireland. I do not hesitate to say that nearly a million might be economised on these, to say nothing of other reductions. In fact, I do believe you would find Ireland a mine of wealth, instead of a drain and drag upon you, if you would but at last try the experiment of treating her with kindness and with justice, instead of with suspicion, contempt, coercion, and severity. It would be wise, then, for you to repeal this Union, which exists but on parchment, and which is, in truth, the only obstacle to a real and lasting union between the two countries. It would be just also as it is wise, for Ireland has as much right to an independent local Parliament as you have yourselves. The great authority of Sir Edward Coke can be cited to the fact that Henry II. made a free and unfettered grant of Parliaments to Ireland. Henry III. granted Magna Charta in precisely the same terms as the English grant. I need not go into this point at any length; but I will say that throughout her history you will find Ireland's claim to a separate and independent Parliament constantly asserted and contended for through every difficulty, until in 1782 you had finally to acknowledge it, and in 1783 you confirmed the acknowledgment by the following Act, of which I shall read you the title and one clause:—

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* Parliamentary Paper, 35 of 1819, 2nd Session.

> "23 Geo. III. c. 28.
>
> "An Act for preventing and removing all Doubts which have arisen or might arise, concerning the exclusive Rights of the Parliament and Courts of Ireland in matters of Legislation and Judicature, and to prevent Appeals being heard in Great Britain:
>
> "'Be it enacted, That the right claimed by the people of Ireland to be bound only by laws enacted by His Majesty and the Parliament of that kingdom in all cases whatever, and to have all actions and suits at law or in equity which may be instituted in that kingdom, decided in His Majesty's courts therein, finally and without appeal from thence, shall be and is hereby declared to be established and ascertained for ever, and shall at no time hereafter be questioned or questionable.'
>
> "The words 'for ever' in the foregoing clause, were on special motion adopted instead of 'for the future,' being considered more comprehensive and decided."

But I shall be answered that there are two —and the most important—points which I have not yet touched upon, namely, first, whether it would not be manifestly and indisputably an injury to ourselves to get back a Parliament which was avowedly so corrupt as was the Irish Parliament that passed the Union; and a long recital of previous profligate acts will be thrown in our teeth. On this first point I answer at once, Sir, and most unhesitatingly, that if it it were possible at this time of day, at this period of the advance of liberal ideas and the power of opinion, to reconstitute the boroughmongering and sectarian Parliament of Ireland, we, although naturally enough demanding to know why Ireland should be deprived of the benefit of the progress of reform, would prefer even that corrupt, narrow-based, and boroughmongering Parliament of Irishmen, to remaining in the condition in which we are. I am perfectly confident that the sentiment which the late Mr. O'Connell uttered in his first public speech, in the year 1800, that sooner than consent to the Union the Catholics of Ireland would readily resume their chains, and throw themselves on the mercy of their Protestant fellow-countrymen, is still felt. And they might well trust to that mercy; for in twenty years up to 1795 the Irish Protestant Parliament had passed no less than four distinct Emancipation Acts; whereas, although the concluding Act of Catholic Emancipation was held out as a bribe at the time of the Union, twenty-nine years passed before the promise given of its enactment was realised; and then most ungraciously and grudgingly. And again, Sir, the good deeds of the Irish Parliament should not be forgotten when its sins are remembered. They steadily resisted attempts made at six different periods from 1690 to 1754, on the part of the British Minister, to interfere with and destroy their constitutional control over the supplies and disposable revenue of Ireland. I can quote testimony given in this House in the year 1785, by Lord North, as to their conduct on one of those occasions, and the reasons then actuating them :—

> "The grants of the Irish Parliament, in Charles the Second's time, were so liberal (in return for his confirming the Cromwellian settlers in their acquisitions) that the King had no necessity for calling another Parliament in Ireland during his whole reign. The Irish felt the error they had committed in thus rendering the Crown independent ; and the hereditary revenue soon became an object of jealousy, not to say of detestation, to the people. The debt contracted at the Revolution afforded them an opportunity of proving this : in providing for the payment of that debt, they laid on additional duties of customs and excise, but they would not impose them for more than two years, in order that the Crown should be under the necessity of calling the Parliament together again, before the expiration of the two years. This policy had the desired effect, and the Commons have persevered in it from that day to this, with a difference of late, that the Session being annual, the grants of money are only from one year to another. The hereditary revenue had, since the Revolution, been a subject of jealousy and terror to the Parliament, insomuch that so far from endeavouring to improve it, they never missed an opportunity to throw charges upon it, to bear it down : however, in 1751, there was in the Exchequer of Ireland a surplus of 400,000*l.* This, instead of being matter of joy, was the cause of general consternation throughout the kingdom: it was feared the Crown was become so rich, that it could pay off the debt that was then on the nation, and having no farther occasion for the annual grants, would call no more Parliaments. There was a question in that year of disposing of this surplus of 400,000*l.*; and a Bill was brought into Parliament for that purpose. The preamble was to this effect : 'Whereas His Majesty has signified his consent, that the susplus now in the exchequer, &c. be disposed of,' &c. The zealous patriots took fire at the word 'consent,' though it had been inserted in two other acts before that on similar occasions : they said the King had a right to give his assent to that Bill as well as to any other; but that he had no right to give his consent ; which latter term implied, that the subject could not be so much as discussed, or made the substance of a Bill, without the previous consent of the Crown, as in the case of private grants. This was the ground of a great struggle in the Commons, where the most formidable opposition ever known in Ireland, was made against this word 'consent :' the opposition triumphed."

By this bold conduct of the Irish Parliament the surplus revenue was saved, and applied to the liquidation of debt. The debt was thus paid off in 1754; and another surplus accruing, they hastened to dispose of that, lest it should be swept away from them, and thus Parliaments rendered unnecessary. From the severe commercial restrictions and most injurious trade and navigation laws which Great Britain maintained against Ireland at that time, the internal commerce and enterprise of Ireland was languishing. Actuated by, no doubt, false ideas of political economy, the Irish Parliament sought to stimulate both by grants and bounties. It was a very mistaken policy, and naturally greatly abused in its development; but the original idea of it was honest and even patriotic. If they had not so spent the money, it would have been used by the British Minister against themselves, by enabling him to dispense with calling them together annually. I have said so much, Sir, to put in a right view the conduct of the Irish Parliament at a period about which there are so many calumnies; and I only remark, in addition, that I have never heard that any Englishman advocated the abrogation of the English Parliament because of its gross corruption under Sir Robert Walpole and some of his predecessors and successors. It is a bad argument in logic to reason from the abuse against the use ; and it is reasoning *ad absurdum* to say that because we once had a corrupt Parliament, we always should have one of that description. I leave, therefore, the defence of the Irish Parliament but with these two remarks more—that in 1768 it voluntarily limited its own existence to eight years ; giving up the privilege of sitting during the lifetime of the reigning monarch ; and secondly, that very Irish Parliament, which it is the fashion so much to revile, repelled foreign invasion from the Irish shores, and crushed domestic rebellion, while at the same time assisting England in her foreign wars by large subsidies, which ran the Irish debt from 2,250,000*l.* in 1792, up to 28,500,000*l.* in 1800, or rather more than 1,200*l.* per cent. The second point of objection yet remaining to be answered by me, with regard to the restoration of an Irish Parliament, I take to be this, viz., the chances of disagreement between the respective Parliaments of Great Britain and Ireland. On this I shall first quote the opinion of one, who, in Ireland at least, is yet held to be an authority on constitutional points. Mr. Foster, Speaker of the Irish Parliament, thus dealt with this objection when it was urged as a reason for the Union:—

> "Theory, and theory alone, says, that the separate Parliaments may disagree. But there is no one argument you can apply as showing a consequent necessity of consolidating them, that will not apply much stronger for the consolidation of the two Houses in each; and the same arguments will all further apply, with equal strength, to consolidate the two Houses with the King, for fear of the national concerns being impeded by disagreement. Thus your arguments will end in the absurdity, that you must consolidate the three estates of each kingdom into one, for fear of a difference of opinion between them, arising from the exercise of their free judgments; that you must abandon the glorious constitution of a mixed Government which you now enjoy, and adopt that of a single monarch, or single power, wherever it may rest, either in a monarch, an oligarchy, or a republic. But practice, which is a more steady guide than theory, tells you the reverse. In points of peace and war, the Irish Parliament has never, even during centuries, differed in opinion with the British; though its power to do so has ever been as unlimited, and equally free, before as since the constitution of 1782. No! interest is a sure guide to nations; and it never was, nor ever can be, the interest of the smaller number to differ from the larger—of the weaker to differ from the more powerful, on such a matter; and it is no rash prediction to say, that good sense, and even necessity, must soon reconcile the differing body, if unfortunately such an instance should occur. But if we look into the principles of the British constitution, we shall find there abundant reason not only to reject arguments of such a theory as would consolidate the Legislatures, but even not to adopt such measures were it practicable. That constitution was not the work of one man, or of one age: it has gradually softened down in the course of centuries into that perfection we now have—more by the collision of circumstances, than by the efforts of human wisdom or foresight. That collision has imperceptibly formed a balance in its constituent parts, which, by the power of mutual checks, keeps each within its bounds, and preserves the whole in its true perfection. That balancing check is the true principle to which it owes its preservation—destroy it, and the whole is gone! Is it wrong, then, to look for similar good effects from the same balancing principle in the connexion between the Legislatures of the two islands, as in the connexion between the component parts of each Legislature?"

As to the Regency difference, although I maintain that the Irish Parliament took a more constitutional view of that question than the English, inasmuch as the natural heir to the Throne, in case of physical death, was the fittest person to occupy it in the case of the moral death of George the Third's insanity; yet this Bill, which I ask leave to introduce to-night, contains a distinct clause for leaving the appointment of Regent with the English Parliament. However, that is a matter that could be best discussed and arranged in Committee. The most important questions may be shortly stated, as those of peace and war, which involve the question of the financial contributions of Ireland in either case; also arrangements as to matters of trade, foreign and domestic. The spread of the principles of free trade will, I believe, greatly help to solve all difficulties on the latter score. We are not desirous, no more than you are yourselves, to retrograde in civilisation; and I say confidently that I do believe that matters of trade would therefore be found the very easiest of arrangement. With regard to war, the prerogative of the Sovereign should remain untouched, and to the Sovereign alone would remain the power and the right of declaring or concluding war. The Irish Parliament should not, indeed, be deprived of its constitutional and inalienable right to limit the annual supplies or cause a rising; but even if it pushed its rights so far as to refuse the Minister a contribution towards the active expenses of a war, it should be held bound to the entire defence of Ireland, and the absolute and entire cessation of all relations with the enemy of England so long as the war lasted. These are matters which should be adjusted by international treaty, just as was done—in form at least—at the period of the Union. As to the proportion in which Ireland should contribute towards imperial expenses, whether in war or peace, the international treaty that I contemplate, would, as in the case of the Treaty of Union, arrange that matter, providing periods of revision of the arrangement, in the same way as was also done in the case of the Treaty of Union. Ireland, rejoiced at the restoration of her own Parliament, would be found no niggard in her money engagements and dealings with you; and thus you would speedily share with her the full benefit of her restored prosperity. There is no such solecism in the counsels of Divine Providence, as that the legitimate prosperity of one country can be of injury to another. The wealth and prosperity of Ireland would eminently benefit you. It would do so directly by the economy that could be practised in the government of that country, once you had by kindness and justice won over the people of Ireland to the support of your Government there. And there would also be the immediate benefit of an increase of Irish revenue—an increase steadily and certainly progressive, according as by the increase of their means, more and more of her population became consumers of taxed articles. I don't think I exaggerate when I say, that the first year of Repeal would not pass over our heads before you would experience these benefits to the amount of at least a million of money; and that before seven years were gone by, that amount would be tenfold increased. As to manufactures, Ireland should, for a considerable period, supply herself from England, and, in some branches of manufacture she should do so permanently. And her restored prosperity at home would check at once, and before long entirely put an end, to that increasing deluge of pauper immigration from Ireland, which is so grievously injuring the prosperity of your manufacturing towns, and so enormously aggravating your poor-rates. This is a point particularly worth your attention; for, depend upon it, that, grievous as you find the influx of Irish paupers at present, you will find it ten times worse ere long, if Ireland continue to decline as she is doing under the Union. Not all the police regulations, the quarantines, the deportation systems you can devise, will check it. You may as well hope to keep the tide from rushing up your river. Nothing can check it but that better state of things in Ireland, which must immediately result from the stoppage of the wasting money drains from Ireland. I tell you, then, that the choice before you this night is, the continuance of the Union, with the continuance and constant aggravation of most bitter discontents — hostility that bides its time; poverty, expense, and loss to the empire, and an ever increasing deluge of Irish pauperism into your cities and towns —or else the Repeal of that Union, with an immediate reconcilement between the two nations—a feeling of mutual friendship and mutual necessity, entire security against domestic treason, and foreign invasion, increasing and abounding resources newly opened for the empire, relief to your poor-rates, comfort to your artisans, and prosperity to your manufactures. Do not deceive yourselves. Bad as is the present condition of affairs in Ireland, it will be far worse ere long. You have made one tolerably successful collection of poor-rates. Your next may not be so good. You will find ratepayers broken down into rate-receivers—bankrupt traders, and a ruined gentry. And in the coming shock of nations, you, persevering in the unjust, injurious, and therefore most unwise, denial of her Parliament to Ireland, will have your foreign efforts crippled and restrained by the large army that you must keep at home to restrain the madness and despair of the destitute and starving Irish people. Be just, be wise, be generous in time. Let it not be said that when every other aggrieved people in Europe are feeling the benefits of the great movement for freedom that is now being made all over Europe, Ireland alone is doomed to remain in misery and degradation. Misery you cannot deny that she is in, and degradation it most certainly is to have her affairs managed for her, or rather neglected and mismanaged by the Parliament of another country. We never will be—we never can be—content that this should endure. We know and we acknowledge no inferiority to you, of any species or description, save the inferiority of wealth and strength, occasioned by your injustice. We are not born with any brand of Cain upon our brows to mark that we shall be the serfs of any other nation on the face of the globe. Our Ireland is as dear to us as your England is to you; and as you would rather die than give up or abandon the least one of your country's natural and inalienable rights, so are we determined to the last to struggle for the restoration to our country of the greatest and highest right of all, that of legislating for herself. On this we can make no abatement—on this we can come to no compromise. You but protract the struggle, if concession be not complete. You declare against the best interests of the empire if you refuse the concession. You establish that empire for ever on the immoveable basis of conciliated affections and united hearts of the people of the two countries, then really united, if you concede while concession can have grace. You rejoice over the recovered liberty of foreign nations—you deliberately contemplate the time when your own colonies will have outgrown dependency, and when it will be for the interest of the mother country to give them more extensive powers of self-government than have hitherto been entrusted to them. Act in the same spirit with Ireland. The liberty you have yet given to her is the liberty to complain, to remonstrate, and to starve. Give her now the liberty to redress the dangerous evils of her social and political condition, to take on herself the charge and support of her own people, and to be a powerful member of the empire, instead of a difficulty, a weakness, and a danger. For the seven centuries that you have governed her, she has been to you a burden and a reproach, because of your injustices and your tyrannies. At this period of the advance of civilisation it is due to your own character that there ahould be a change; and that a firm and lasting peace, founded upon justice and equality, and an enduring and most beneficent mutual alliance should be established between us. This you can effect by giving us our own Parliament, our great, our inalienable, our indestructible right. Do this, then, generously; do it at once, and so shall you secure that, whatever the changes in Europe—whatever may happen to other countries, these two friendly sister nations, united under one Crown, and one firm, fast, and enduring allegiance to the Throne, shall go on steadily and uninterruptedly in peace, in order, and in certainty, to our common prosperity, and we shall at last give truth and meaning to the quotation with which, at the Union, our degradation was mocked:—

> " ——— Paribus se legibus ambæ
> Invictæ gentes æterna in fœdera mittant."

SIR W. SOMERVILLE rose with considerable regret to oppose the Motion of his hon. Friend, for it was always a matter of regret to him when he found himself compelled to oppose any Motion which he felt convinced had engaged largely the sympathies of the Irish people. This was not a time to conceal the truth, and he admitted that he himself was a living instance of the feeling to which he had referred; and when he made that avowal, it was also a matter of personal pride to himself to say that, had it not been for the personal regard and affection which an Irish constituency entertained towards him, he should not now have been a Member of that House. He made this avowal candidly, because he believed that neither at present nor at any time was anything to be gained by concealing the honest truth. However, in opposing the introduction of the Bill of his hon. Friend, he had the consolation to think that he was only pursuing a course which he had ever pursued. He had always opposed any Motion for the repeal of the legislative Union between the two countries, because he had always considered that the repeal of that Union would be detrimental to Irish interests and Irish interests principally. It was not his intention to discuss the long array of figures which his hon. Friend had produced before the House, nor should he advert to the method by which the legislative Union was carried. He really thought that the time had gone for discussing that point. The people of Ireland, if they were happy and contented—if their condition were such as he should wish it to be—would never throw away a moment's thought on the way in which the Union was carried; but it was a fallacy to hold that the legislative Union had deprived the Irish people of that prosperity which, it was asserted, they enjoyed before the Union. His hon. Friend had described the condition of Ireland before the Union as one of contentment, and prosperity as regarded commerce and trade, and had said that the artisans were in employment, and, in short, that Ireland was a picture of prosperity. He thought that a greater fallacy than that had never been given utterance to in that House. Great as at the present time was the state of poverty and destitution in Ireland, he believed that before the Union it was as great, if not greater, than it was, he would not say at the existing moment, because the country was now suffering under a great calamity, the result of the visitation of Providence; but at any other time since the legislative Union. The right hon. Gentleman here referred to a publication entitled *Facts for the Repealers*, with the view of showing the condition of the artisans and labourers of Ireland between 1780 and 1800, when the Union was enacted; by which it appeared that during that period various petitions were presented to the Irish Parliament from Cork, Wexford, Wicklow, Dublin, and different other parts of Ireland, setting forth the distress of the manufacturers and artisans, and of the persons engaged in the woollen, silk, and linen trades. In those petitions he found a statement of distress such as was not to be found to have existed in an increased degree at any time since the period of the

Union. With reference to the condition of the poor, too, he thought that if there was any matter in which the independent Parliament of Ireland was to blame, it was in that of the utter and total neglect of the Irish poor, from which the country was now suffering, and was likely, he feared, to suffer many years. He held that the prosperity of a country ought to be based on the comfort of the poor; but it was only within the last few years that this truth began to be sufficiently impressed upon the minds of Members of that House; and it was not until the last year that any efficient legislative measures were adopted. He opposed the repeal of the legislative Union because he believed that repeal would be politically and socially detrimental to the interests of Ireland. His notion of a repeal of the Union was directly opposite to that entertained by his hon. Friend. The hon. Gentleman had said that the union of the two countries had reduced Ireland to the state of a province. His (Sir W. Somerville's) notion was, that if the Union were repealed, he would at once, as an Irishman, become a provincialist. His hon. Friend had said that every Irishman who came into that House was a slave—a serf. The hon. Gentleman put himself forward as the representative of the Irish people; he talked of "we, the Irish," as if no other hon. Members of that House had the feelings, the affections, or the pride of Irishmen. He (Sir W. Somerville) could only say that he felt himself no serf in that House; he felt himself no slave. He was an humble individual, but he felt himself as independent a Member of that House as any English Gentleman; and his notion was that a repeal of the legislative Union would transfer him, from being a Member of that Imperial Legislature, into a Member of the Irish Provincial Parliament. The hon. Gentleman had said that an Irish Parliament would not be an independent Parliament and in that sentiment he (Sir W. Somerville) entirely concurred. It would not be an independent Parliament. Was the Irish Parliament before the Union an independent Parliament? No; the mode in which the machine was then set to work, was by the most gross and boundless corruption. If this was to continue to be the case, the result would be that their provincialism would become intolerable. The hon. Gentleman opposite, and those by whom he was supported, if they obtained an independent legislature, would be compelled either to take steps to reunite themselves to the English Parliament again, or they would be forced, in justice to themselves, and in order to fulfil their own prophecies, to agitate for complete independence. They would then be obliged to bring forward the same arguments they were now using for the repeal of the Union in favour of a complete separation between the two countries; a fresh career of agitation would have to be commenced, the minds of the people would be excited afresh, disappointment would but envenom their feelings, and by the consequent turmoil and agitation the prosperity of Ireland would be indefinitely postponed. These were some of his (Sir W. Somerville's) principal objections to the repeal of the Union; and it was unnecessary to enlarge upon these matters, because they were the salient points upon which the whole question turned. He believed, as he had said before, that by the repeal of the Union they would degrade Ireland from imperialism to provincialism; that the supporters of repeal would be disappointed in the effect of their own measure; and that they would be obliged to commence their agitation *de novo*. But he entertained still stronger objections to repeal on social grounds. Even supposing such a measure to be desirable, was this, he asked, a moment when it would be possible to carry it into effect? Was this the time, when Ireland was reeling under the effects of two years of famine, that she could come forward and declare that she was able to stand alone? when she could take upon herself all the functions of Government; when she could pay an Army, a Navy, a police force; when she could maintain her poor, and when she could meet those other burdens, in bearing which she was now assisted by this country? Great fault had been found with the Government, both for what they had done and what they had left undone, during the last year; but, he would ask, could the Irish Parliament have done half as much as the English Parliament had done, under similar circumstances? Had the Irish Parliament ever done half as much in times of famine and distress? Why, what did the Irish Parliament do during the famine of 1748, when an enormous number of people perished? They did nothing more than this—they passed an Act for the more speedy recovery of rents. He asked again, then, was it at such a moment of distress as the present that hon. Gentlemen opposite would propose to bring about so important a change? He believed that, if they were successful, they would only aggravate the miseries of Ireland; they would find themselves unable to support their own poor; and they would be unable to meet those expenses which were necessary for carrying on the legitimate functions of Government. He (Sir W. Somerville) was far from denying the present wretched social condition of Ireland; but he considered that that condition was mainly attributable to the two successive years of famine she had just encountered. He was ready to maintain that, until that dreadful famine occurred, Ireland had been making rapid and progressive strides in prosperity. He defied any man who had not visited Ireland for the last ten years to make a tour of that country now without being struck by the marked change for the better which had taken place. Agriculture had improved; the farmers were more comfortable; and if any class was to be excepted from the general prosperity it was the unfortunate labouring class, who appeared at all times, and under all circumstances, to have been neglected. The condition of that unfortunate class had always created the difficulty of the Government of Ireland, and formed the difficulty of the Government now. Great blame had been cast upon the Government for their supineness in bringing forward remedial measures for Ireland. Now, though he did not undervalue the importance of any political reforms that might be just and necessary, yet he thought, considering the destitution which had prevailed in Ireland during the past year, that the consideration of such subjects might be safely laid aside for the present. The Bill which had been introduced by the Government for amending the law of landlord and tenant had given rise to much animadversion; and the hon. Member for Rochdale (Mr. S. Crawford) had said that that measure had excited great discontent in the north of Ireland, and especially among the tenant-farmers of Ulster. He (Sir W. Somerville) was the last man in that House to propose an interference with the tenant-right of the people of Ulster; he admired their independence, and he would he sorry to do anything that might be prejudicial to their interests; but he thought it would not be difficult in any measure which might receive the sanction of the House to devise some plan for securing the privileges of that invaluable body of men. He believed, however, that any one who attempted to legalise the tenant-right of Ulster would not be conferring a benefit on the tenant-farmers of that district; and he hoped it would not be thought that in anything he had done, he had had the slightest intention to undermine that right, or to interfere with the benefits it had conferred on that portion of the country. He was anxious to make this explanation, because he had seen with deep pain that a misapprehension of his views on this subject prevailed in Ulster; and he hoped it would be distinctly understood that it was not his wish or intention to interfere with the invaluable right which existed in that district of Ireland. It had been said that the supposed attempt to interfere with the right of the Ulster tenant-farmers had indisposed them to the connexion between this country and Ireland. He (Sir W. Somerville) did not believe a word of that statement. Such a statement might have been made as a bait to the people of Ulster to oppose the Union; but he (Sir W. Somerville) believed it would be found impossible to attempt to disturb the Union on any such fallacious pretext. Among the grievances of which the Irish people justly complained was that of absenteeism. He did not deny the evils of that system; but it was not unnatural that men should go where they were happy, comfortable, and safe. He did not wish to say anything of an irritating character; but he might state that he had had an opportunity of testing practically the sincerity of his hon. Friend (Mr. M. O'Connell) on this absentee question. He (Sir W. Somerville) had lately been engaged in a very severe contest for the borough he had the honour to represent (Drogheda); and on that occasion the interest of the hon. Gentleman, and of the association which he represented, was brought into the field against him. The hon. Member for Tralee personally went down to Drogheda to assist in opposing him. Now, what did the House think was a chief recommendation of the Gentleman who was his (Sir W. Somerville's) opponent on that occasion? Why, simply that he was an absentee. In his address to the people of Drogheda that Gentleman used these words:—

> "My residence in London would enable me to be of constant use to my constituents."

When so much was said of absenteesim, he thought it rather hard that the Gentleman who opposed him in the interest of those who denounced absentees should take his stand on such ground. He thought that was not a very practical proof of the way in which absenteeism was discouraged by the body of which his hon. Friend was a member. The situation of the country was calculated to excite much uneasiness in reference to the subject of Repeal. There was no people, he believed, for whom republican institutions would be so ill suited. But he had every hope the present storm would blow over. His belief was, that there was in Ireland more loyalty, more sound policy, more determination to uphold the law, the constitution, and the connexion between the two countries, than was generally supposed by many Gentlemen in that House. He had every hope that the peace of the country would be preserved. The hon. Gentleman opposite (Mr. O'Brien) had threatened that they would confiscate his property. The hon. Gentleman said that the property of every person who did not join him (Mr. O'Brien) in his present career would be confiscated. Was he (Sir W. Somerville) not at liberty to hold opinions of his own as well as his hon. Friend? If he thought the separation of the two countries would reduce Ireland to a province, had he not a right to express that opinion? Was his property to be confiscated because he held that opinion? Was his hon. Friend serious in holding such language? Did he consider the mischief which might ensue, and the alarm such threats were raising in the public mind? The hon. Gentleman might confiscate his property in Ireland; but he (Sir W. Somerville) had this gratifying reflection, that he did not think the poor people who were dependent on him there would thank the hon. Gentleman in the least. He (Sir W. Somerville) had always been an advocate for the Irish people. He had always joined his fellow-countrymen in every effort to obtain freedom, to extend their franchises, and to place them on an equal footing with the people of this country. There was a time when to follow such a course involved considerable sacrifices. That day was gone. Public opinion had taken another course. He could not join in that agitation which had been set on foot; for as he had hitherto been so should he be now. He was prepared, as he had ever been, to assist in securing for his fellow-countrymen every further privilege which the people of this country enjoyed, and that to the fullest extent. Entertaining these views—no matter what he had to go through; no matter with what he might be threatened—he should act an honest and conscientious part, even if what was threatened should happen; and he hoped his hon. Friend would not be able to carry his threat into execution. He hoped—for such was his intention—that he had not used a single word to give pain. His feelings towards his countrymen should always be those of amity, and his endeavours to secure their interests should always be marked by the same devotion. He had not said one word of Imperial interests. He was anxious to take his stand purely on the interests of Ireland. He thought the repeal of the Union would be prejudicial to Ireland. Why should they forego all the advantages which they might enjoy under it? Having aided this country in the extension of the empire, in the acquisition of colonies, in raising the British empire to the prosperity which it now enjoyed, why should they now voluntarily come forward and close the door against all those advantages in which they could claim a share? To such a measure as a repeal of the Union he could not give his consent; and if it were a question of life and death to the two countries, he felt himself on that very account compelled to say "No!" to the Motion of his hon. Friend.

Major BLACKALL could not support the Motion, which was indeed proposed at a most inauspicious moment. The proposition he had himself made secured all the advantages of a separate legislation, without incurring the dangers of separation from this country. That proposition was, that Parliament should meet a certain number of months in Dublin to dispose of Irish business. Hon. Gentlemen were obliged to come here and expend their incomes; why should there not be some reciprocity? The expense of bringing over witnesses from Ireland for examination before Railway and Election Committees would be diminished were his suggestion adopted. As an instance of the want of attention in that House to Irish questions, he might state that on a late occasion, when a Motion was made for an inquiry of a very important kind connected with the well-being of the Irish people, not more than twenty English Members were present during the debate; while on the division, however, they did not fail to be present, and the Motion was defeated by a large majority. He did not expect to have a large amount of support on the present occasion; but he hoped that the seed he had sown would grow, and ultimately be productive of a beneficial result. He would move as an Amendment—

> "That an humble Address be presented to Her Majesty, praying Her to convene the Imperial Parliament in future, for a certain number of months in each year, in Dublin, for the dispatch of Irish business."

MR. MAURICE O'CONNELL did not rise to address himself to the arguments of the hon. Gentleman who had just sat down, as every thing he had said could be urged with greater force in favour of the original Motion, than for the miserable succedaneum he had proposed. The right hon. Gentleman the Secretary for Ireland, while speaking of absenteeism, had referred to an address put forward by the Gentleman who opposed him at the last election in Drogheda; and if the right hon. Gentleman had read the whole of the address, instead of a part only, he would not have complained of it. He (Mr. M. O'Connell) introduced Mr. L. Murray, the gentleman who opposed the right hon. Secretary, to Drogheda, having been requested by the electors of that borough to assist them in getting a Repealer. They wished to have, if possible, a gentleman resident in Ireland, but a Repealer; and certainly in his address the candidate stated that he thought his residence in London would be beneficial to their commercial interests; but if the address had been read in its entierty by the right hon. Gentleman, it would have been seen that he came forward as a Repealer. It was on that ground he received the support of so many electors. The right hon. Baronet had only a majority of 3; and he believed that had a scrutiny been gone into he would not now be sitting for the borough of Drogheda. He understood the right hon. Baronet to say that it was only within these few years that attention had been paid in that House to the interests of Ireland. The same argument had been put forward in 1834, by a Gentleman who now had a seat in the other House of Parliament. The Irish Members were then not only promised that the House would pay more attention to the wants of Ireland, but they received a promise which was absolutely most equal to a legislative act, that every possible benefit should be conferred on that country. They had waited for fourteen years for the fulfilment of that promise; and he would ask whether there was an Irish or English representative in the House who would say that the promise had been kept? The right hon. Baronet said that one of his objections was that, if Repeal were granted, Ireland might turn Imperialism into provincialism. But what benefit had Ireland derived from living under Imperialism? What did he or his countrymen care for a name? Our colonies were happy and prosperous with their own domestic legislatures; and why should not Ireland be so also? Then the right hon. Baronet objected to the time at which this Motion was brought forward; but surely the time to make concessions was when the people were suffering and had some grievances to be remedied. The right hon. Gentleman had spoken of what was done last year for the relief of famine and distress in Ireland, for which he was grateful; but still he would say that it was nothing more than a partial restitution of what was taken from Ireland and spent in England; and if there had been an Irish Legislature in Ireland they would have so managed their resources that the famine would not have affected the country as it had done. If, instead of sending chymists to inquire into the causes of the potato disease, the peasantry of Ireland had been supplied with some potato seed, he was sure that the crop of last year would have been more than sufficient for the exigencies of the country. He begged the House to pause and consider deliberately before they rejected this Motion. The right hon. Baronet (Sir W. Somerville) had deprecated violence and outrage in Ireland. There was no man who deprecated any such proceedings more than he (Mr. M. O'Connell) did. He could say, without fear of contradiction, that no man in his humble sphere had exerted himself more than he had to prevent legitimate agitation breaking out into violent language or anything like anarchy. He prayed the House to consider what was the present condition of Ireland. From his own knowledge it was such as as to fill any one who valued the peace of that country with the utmost anxiety. The sentiment now pervading the minds of the people amounted to this—that they would make this their last appeal to the British Legislature; and if it should prove to be made in vain, they would then make a final appeal to Her Majesty; and should that also be equally without any beneficial result, then he begged to inform the House, not by way of threat, but as a solemn warning, that it was their intention to wait for the most favourable opportunity, when, by one united effort, they might successfully achieve the object of their most ardent wishes—a total separation from this country. He was not the advocate for any such course; on the contrary, he deprecated it; but he felt it to be his bounden duty to apprise the Government that such was the disposition of the people of Ireland on this important subject. The course which the Lord Lieutenant was now pursuing in that country, however much he might be lauded here, tended more and more every day to alienate the minds of all classes in Ireland from him; and his (Mr. M. O'Connell's) conviction was, that if Her Majesty's Government and the Legislature did not concede to and conciliate the Irish people, the consequences ultimately would be perilous to themselves, dangerous to Ireland, and probably perpetually detrimental to the interests of the empire at large. He conjured them, therefore, not lightly to reject this appeal, but at all events to entertain it and give to those who were anxious to preserve peace, law, and order in that country, some ground for hope that they would comply with the wishes and demands of the Irish people. The circumstances relating to the manufacturing of pikes, and the facts that had transpired which connected the chief commissioner of police with the parties implicated in that manufacture, had created a very great sensation in Ireland, and had excited strong feelings against the Government. Many persons who were formerly bitter opponents of Repeal had been converted to that cause by the apprehensions they entertained in consequence of what appeared to them to be a revival of the odious spy system on the part of the Government. He would advert to another point. There was at present a large military force concentrated in Dublin; and what, he asked, was the daily experience of the people of Dublin as to that force? Regiment after regiment marched into that city, and regiment after regiment marched out of it again to some distant part of the country, after staying there for the space of only a few days. The Government, no doubt, imagined that the people were not aware of the reason of these movements; but, whether rightly or not, he could not say, yet it certainly was rumoured, and indeed confidently reported, that the reason of these frequent changes was that the Government had found that the cause of Repeal was spreading amongst the ranks of the Army itself. ["Oh, oh!"] Of course, he expected those cries; but would the House permit him to relate to them a fact? He (Mr. M. O'Connell) left Dublin last night: in the course of yesterday a gentleman—a man in business in the city of Dublin—stated to him (Mr. M. O'Connell) the following occurrence, of which he (the narrator) was an eyewitness:—It should be known that the Linen-hall of Dublin—formerly the emporium of the chief trade of that city—was now occupied as a military barracks. The gentleman lived in the neighbourhood, and the windows of his house commanded a view of the barrack-yard. At the present moment two battalions were stationed there. On Sunday evening last (and the truth of this his informant, who witnessed the scene, was ready to support upon oath) the greater portion of those two battalions were engaged in battle amongst themselves in the barrack-yard. The conflicting parties were Repealers and Non-Repealers—and they made those words their battle-cry. The contest lasted until the commander of the troops himself came down and put an end to the fight. Upon the same night, in the open street, opposite what was Holmes's Hotel, upon the quay in Dublin, a battle of the same description was fought between soldiers, and some of the combatants were flung into the river. He (Mr. M. O'Connell) mentioned these things to warn the Government not to be too obstinate, or to run the risk of scenes which all must deprecate. He was no follower of Mr. Mitchell; nor did he ever advise the people to make pikes or to procure arms; his own agitation had always been temperate and within the bounds of the constitution; but he felt it right to warn the House of the consequences of persevering blindly, madly, in refusing to make concessions.

Viscount MORPETH: Though I feel that anything which I have to offer upon this question can hardly call for any extended or elaborate speech, especially at this period of the night, yet the long period during which I filled the office in which I am so worthily succeeded by my right hon. Friend in connexion with the Government of Ireland—the strong interest which I have ever felt in all that concerns the destiny and the welfare of that country—and the claims upon my gratitude which all that there befell me must indisputably rivet—give me reason to hope that the House will bear with me for offering a few observations upon the present occasion. There is one consideration which, as it seems to me, ought to guide very much of our views and our course upon the present subject. I should deeply deplore the repeal of the legislative Union, on account of the consequences which I think it would entail upon Great Britain and upon the empire at large; and indeed, I would ask, who could view, as substituted for our present daily, hourly intercourse of persons and interchange of commodities between every port of the one country and every port of the other—an intercourse and interchange which every new discovery of the age—steamboats, railways, the electric telegraph—tends incalculably to multiply and reproduce—who could view without regret or apprehension, substituted for such an intercourse and interchange, the establishment of jealous regulations, perhaps of hostile tariffs, possibly of total prohibitions, possibly of defensive preparations, possibly of hostile aggressions, or, as was not obscurely hinted to us in the speech made last night by an hon. Member, an adverse republic upon either side of the channels which separate us from our two neighbours—an adverse republic both in France and in Ireland—or a republic in Ireland attracting by turns the sympathising counsels if not the armed assistance of the republics of France and of the United States? But, Sir, I proceed to say, that disastrous as such a separation of these sister countries might be to the unity, to the tranquillity, even to the safety of the glorious country to which we belong, yet (I speak in my heart's inmost conviction), whatever the consequences might be, if I could really believe that the repeal of the Union would be attended with benefit to Ireland itself—if I thought that it could abate in any material degree the amount of suffering and misery which does with fearful variety prevail within the borders of that country—if I thought it could give her any permanent security for rest, for tranquillity, and for contentment—whether I could be a party to snapping the bonds, and to decreeing the final separation, I will not take upon myself to say; but I feel that I could hardly stand up here and express my opinions, and give my vote for the forced maintenance of the Union. I do all this with a willing and a ready conscience, because I believe that the repeal of the legislative Union, while it would be disastrous to the united empire, would especially be grievous and burdensome and fatal to the best interests and permanent repose of Ireland. Sir, there are two dark pervading features of gloom, which the whole past history of Ireland, and I fear I may say with equal truth its present aspect, offer to our consideration—the sufferings of her poor, and the dissensions of her inhabitants. With respect to the sufferings of the poor, I need not refer to authentic documents, to official reports, to statistical calculations, to prove that melancholy fact. Any one who has known Ireland, who has lived in it, who has seen it, even in its best neighbourhoods, and in its happiest periods, must be himself sufficiently aware of the fact. It has been dwelt upon by the hon. Gentleman (Mr. J. O'Connell) to-night, and he has made it one of the chief foundations of his argument for urging the necessity of the repeal of the Union. That distress, always great in degree, always wide in extent, has been tremendously increased by the dearth and famine which have prevailed for the last two years. I do not propose to enter into any discussion as to the manner in which that dearth and famine have been met. I do not attempt to raise the question whether the Exchequer of England and the charity of England could have done more. There are no bounds to charity, and no limits to self-denial; and possibly our national and individual virtues may not have sounded the depths of either. Least of all would I encourage the language of querulous complaint about our not meeting with an adequate expression of gratitude from the Irish people. We cannot expect people who are still miserable to be very forward in the expression of gratitude; and that is the very last result about which a person or a nation, conscious that they were only attempting to exert themselves for the benefit of their fellows or their species, would desire to be solicitous. Still the fact does remain, that from the Exchequer of England within the last two years some 10,000,000*l.* have been contributed directly to meet the suffering condition of the Irish people; and I ask, to what other quarter, to what other country, in similar circumstances, if they should ever again unhappily arise, would Ireland, when her own resources failed her, when her own reservoirs of supply were exhausted — where else would she look for the pitying ear or the helping hand? If she discard us, if she voluntarily choose and have power to enforce this separation, then if she establish herself as an alien to this country, as a spy at our side, as a sore in our very vitals, it could not, by the nature of things, be expected that she should find among us either the same disposition, or probably the same means, to come forward for her relief. Would she resort to France? We were told that an offer was made to supply her with 50,000 men. I believe the ambassadors who went over there would have found it very difficult to raise a levy of 50,000*l.* instead. Then the hon. Member for the county of Limerick boasted of the million of dollars promised from America; but the dollars only exist in promise as yet, and though these promises are very likely to be made during the halcyon hours of fortune, I doubt whether, if England and Ireland were permanently separated, Irishmen would find their new allies so ready to come forward with that tangible practicable assistance which the sister country has always liberally afforded them. At this moment—I believe it has not been mentioned in any of the organs of daily intelligence in Ireland—this country, against which it is endeavoured to raise up such unfounded jealousies, and such constant feelings of irritation—these churlish Saxons are actually feeding about 200,000 of the destitute children of Ireland. Does it not seem a little preposterous that at this very time such constant and persevering efforts are being made to induce the parents of these children to join in a chorus of hate against the very land which was supporting their offspring? I know that the distress to which I am referring as a strong reason why Ireland should not cast off the connexion of a rich and I will add a generous country, is always attempted to be traced, by the hon. Member for Limerick and others, to the operation of the legislative Union; but I think that those persons have entirely failed to show how the separation of a poor country from a richer can add to the substantial wealth of the former. Allusion has been made to the entire decay of Irish manufactures as having produced a ruinous competition for land; but I doubt how far the repeal of the Union — how far the separation of the two countries would encourage the introduction of capital into Ireland, which I take to be the necessary preliminary to the establishment of manufactures. Another of the gloomy features in the condition of Ireland to which I have alluded, is exhibited in the dissensions of different races, creeds, and parties. It is undoubtedly true that the Imperial Government—the representatives of the English Crown—may at some periods have seemed to side with one or other of the contending parties—may occasionally have exhibited an orange or a green bias—and even have momentarily appeared to aggravate opposing tendencies; but I am firmly convinced that, on the whole, and in the long run, the Imperial Administration has had the effect of neutralising and softening animosities, and of acting as a barrier against which opposing currents have spent their forces and tried in vain to overleap the bounds and overflow the land; and I believe that if we were to take away that which letteth—to use a biblical word — the adverse tides would but gather—would soon increase in violence, and become more turbulent and unrestrained than they have ever been before. The hon. Member for Limerick talked to us last night of the present circumstances of Sicily; but the state of society to which he alluded in Ireland does not exist in Sicily. The state of society in that country is very homogeneous; there is scarcely any difference in races, and certainly no diversity of creeds, and, therefore, I doubt whether the attempted analogy between Great Britain and Naples can be fairly sustained. But it is not only among opposing creeds and diverging parties that I think the ameliorating influence of the British Government has been found, in times past, eminently beneficial. That which distinguishes the present movement—the cotemporary convulsion of the whole political world—from similar occurrences at former periods, is that it relates more to social than political questions—that it is more connected with internal laws than external relations of communities and States. If I may make the observation without presumption, I think that it is much more a question of the organisation of labour, and the connexion of capital and wages, which at present embarrasses the position and complicates the prospects of Prussia and France, than any armed movement of Austria and Russia. I will not take upon myself to be the judge of the character or conduct of Irish landlords. I know that they have inherited great difficulties, and have to cope with many disadvantages; and for that reason, probably, are to be found amongst them some of the brightest and some of the worst specimens of their class. Still, if we look at the present condition of Ireland—if we consider the doctrines disseminated and the spirit aroused there—if we bear in mind the announcement made last night by the hon. Member for Limerick, that in the coming struggle property will be entirely powerless—I think that Irish landlords have reason to be convinced that in the event of the moderating and restraining influence of the Imperial Administration and English Government being swept away, an impulse would be given to the wildest schemes and most subversive doctrines, and that property itself would run the risk of being left a hopeless wreck amongst the heaving billows which surround it. I am far from wishing it to be construed that I assume the present state of Ireland with respect to its laws—with respect to its social regulations—with respect to its economical condition, to be anything like what it should be, or what I wish it to be. During the whole period which I have been allowed to pass in public life, from the first words I uttered in this House on seconding a Motion for the repeal of Roman Catholic disabilities—through the whole period of my tenure of office in Ireland, I have never shown myself reluctant to innovate on what I found in existence, or to reform established institutions. I was a party to alterations in the laws respecting the Church, and respecting municipal corporations — in the laws respecting the poor—in the laws respecting grand juries; and, in common with my noble relative, the Member for Lynn, I was the originator of a proposition for putting the large lines of railway in Ireland under Government superintendence. But, far from being satisfied with my own handywork—far from being content with what Government has been able to do, with respect to almost every one of these subjects—I have left an express declaration on record that the alterations which have been already effected must be looked upon as imperfect and incomplete; and consequently I, for one—and I can speak in the name of my Colleagues—shall always be ready to approach all or any one of these questions with an honest desire to do whatever is possible, consistently with justice and the best interests of Ireland. There are other questions which perhaps more immediately affect the social condition and economy of the country, amongst which may be numbered the relations of landlords and tenants, the sale of encumbered estates, and a practical alteration of the poor-law. When the hon. Member complains of the military and police being employed in the collection of rates, he should bear in mind, that unless the collection of rates be enforced, there will exist no means of saving the people from starvation. I hope that in time we shall succeed in arriving at a satisfactory solution of the questions relating to Ireland which at present occupy the attention of Parliament and the Government. I shall leave my noble Friend at the head of the Government—who no doubt will address the House before this debate finally concludes—to state the views and intentions which he entertains respecting the future course of legislation for Ireland. I only know that all my noble Friend can do he is prepared and ready to do. Of all the subjects which at present press on the attention, and indeed, I may say, entirely engross, the time of the Government and Parliament, I know that there are none the consideration of which my noble Friend would less willingly postpone than those which relate to the welfare of Ireland. I was much struck the other day by an observation in a foreign newspaper, which was elicted by the visit of the hon. Member for Limerick and his co-ambassadors in Paris. The paper I allude to is the *Journal des Debats*, which stated with good reason that what Ireland wanted was not repeal nor revolution, but regeneration. Echoing and adopting that sentiment, it is far from my intention to pass a wholesale denunciation on the character or conduct of the Irish people. They have many attractive and many brilliant qualities; and I remember incurring a great deal of personal unpopularity during one of my canvasses in Yorkshire, because I had ventured to say what I am willing to repeat, because I believe it to be true, that I found among the Irish people less of habits of theft among the men, and a greater prevalence of chastity in the women, especially of the labouring classes, than is to be met with in England. If my countrymen and countrywomen dispute that allegation, I can only say let them prove me to be in the wrong. But when so many harsh things have been so constantly said, and I fear very often justly said against the Irish, I will not refrain from openly saying what I think, with equal justice, may be said in their favour. I also think that they show some superiority in their kindness towards each other, and towards the suffering and destitute, as well as signal patience and resignation under intense privations. I have been very much struck with the accounts which I have received from America of the really munificent contributions which the Irish emigrants only recently arrived there are constantly sending over to the poor relatives that they have left in their old homes. But, while I pay what I think is but a just tribute to the real merits and virtues of the Irish people, I do not shut my eyes to their failings; and, without expatiating on many of these, which may not occur naturally at the time of our present discussion, I certainly think that to attain that regeneration which the French journalist thinks is so necessary for them, they must try to acquire more of the Saxon qualities of activity and industry. But there is nothing in their character and habits to make us despond as to the results, no more than when we see the wide tracts of mountain and bog which cover such large portions of the surface of the country, need we doubt that if a proper amount of capital and skill and industry were applied to their cultivation, these very unproductive and desolate wastes might become the sites of bounteous harvests and of thriving homesteads. So no more need we doubt that if kindly influences and healthy sympathies and sound education are applied to the cultivation of the moral waste, and of the passion-blighted spots which disfigure a portion of the fair moral creation, there would be also corresponding crops of promise, and fruits of abundance, to bless this most benignant husbandry. I remember having been told in America that the person who made the most successful settler was the Irishman planted between a Scotchman and a Yankee, for he found his native ardour and impetuosity on the one hand sobered into caution by the prudence of the Scotchman, while, on the other hand, he was incited into activity by the go-a-headedness of the American. Sir, I will not now seek longer to occupy your time farther than to observe that I feel sure that what the Members of the Government, what the Members of the Parliament, what all the inhabitants of the United Kingdom most desire, is to see their Irish brethren, one and all, partakers of the same rights and associates in the same glories as themselves. And let me ask you to what field of our national credit, and fame, and glory can we look, without seeing that those same Irish brethren have been at all times successful and honoured, and even more than proportionate contributors? I need not mention the masters of eloquence within the memories of many among us in this House who have been furnished by Ireland. The names of Burke, and Sheridan, and Canning, and Grattan, and Plunkett, and O'Connell, will occur to all. And we still retain what we derived from thence, the laurel of Wellington, and the lyre of Moore? Does not every field of discovery—does not every exploit of science and every achievement of art—show us the identity of our pursuits, and forbid the scheme of our separation? I will only further say, in allusion to—I will not call it the threat—which fell from the hon. Member for the county of Limerick (Mr. Smith O'Brien) last night, that if we did embark in a contest with Ireland, and if we did deny them their demands, the result would be a successful revolution on their side—that they would be triumphant in the struggle. Now, among all the convulsions of States, among all the shocks of dynasties that are going on around us, far be it from me to calculate on what side success might incline. The arbitration of success must belong to Him who sits in the circle of the heavens, and who regulates all on earth as He chooses; but what I say is, that though the line of success may not be clear, the line of duty is clear. And when I know that there are in Ireland men sincerely attached to the connexion with this country—sincerely loyal to the Crown, and sincerely desirous to share the destinies and the greatness of England, and to mix their lot, for weal and for woe, with us—when I know that these men are looking up for countenance, and guidance, and protection to this House—and when I feel persuaded that their cause is the cause of truth and of right, and that it is the cause which I believe to be essential, not only to the permanent greatness of England, but to the real happiness of Ireland—these men, these firm adherents of the British Government and Crown, I feel we cannot and we will not abandon.

Debate adjourned.

House adjourned at a quarter to One o'clock.

HOUSE OF COMMONS,

Wednesday, April 12, 1848.

MINUTES.] PUBLIC BILLS.—2º Tenants at Will (Ireland).

PETITIONS PRESENTED. By Mr. F. O'Connor, from Ipswich, and Lord Seymour, from Totnes, against the Crown and Government Security Bill.—By Mr. Christopher, from Barton-upon-Humber (Lincoln), against the Diplomatic Relations, Court of Rome, Bill.—By Visct. Newry and Morne, from Newry, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Mr. F. O'Connor, from Lancaster, and Nottingham, for a Free Pardon to Frost, Williams, and Jones.—By Colonel Thompson, from Out-Pensioners of Chelsea Hospital, complaining of certain Deductions made from their Half Pay.—By Mr. Bouverie, from various Persons residing in and near the Metropolis, in favour of the Public Health Bill.—By Mr. Baines, from Northampton, for Alteration of the Law of Settlement.

CROWN AND GOVERNMENT SECURITY BILL.

On the question that the Speaker do leave the chair, to go into Committee on the Crown and Government Security Bill,

Mr. G. THOMPSON opposed the Motion. For centuries no measure so deeply affecting the rights and interests of the people of this country had been proposed in that House, and he contended that much longer time should have been afforded to the country for its consideration than had yet been given to it. Admitting the necessity of this Bill—admitting that it contained no violation of the constitution—admitting that offences were rife throughout the country, demanding the penalties which were assigned to the commission of those offences—granting all that freely, and giving credit to the Government for the best motives, still he contended that sufficient time had not been given to the country, or to Members of that House, to consider even the grammar, much less the provisions, of the Bill. In the midst of surrounding revolutions this country had been tranquil, but the Government seemed to have been panic-stricken. Granting that they did not mean rashly to assail, or largely to abridge, the liberties of the people, the best excuse he could find for them was, that they had been stricken with fear by the events which were taking place around them, and had all at once come to the conclusion that Her Majesty's Throne was in danger from the wide-spread and deep-seated disquietude which prevailed throughout the country. If Her Majesty had not been advised by evil counsellors, she ought to know, what she has ever known, that she could not plant her foot on any spot within her dominions where she would not find a warm and hearty welcome at the hands of all classes of the British community. He accused Her Majesty's Ministers deliberately with charging by implication, in bringing forward this Bill, the people of this kingdom at large with disloyal designs towards Her Majesty and the State. What did the right hon. Baronet do when he introduced the measure? Did he make out grounds for a Bill which should comprise the people of the United Kingdom? He did not. Did he read one extract from an English newspaper? Not one. Did he make one extract from speeches delivered in Scotland, England, or Wales? Not one. He merely quoted from speeches delivered in Confederation Hall, in Dublin, and confined his newspaper extracts, without exception, to the *Nation* and the *United Irishman.* But as far as Ireland was concerned, it did not follow, because one man had raved in that hall, or another had trenched on the borders of treason in a newspaper, that therefore all Ireland was disloyal. There were already in existence laws for sedition, and penalties for treason, with all the machinery of a strong Government for enforcing those penalties; and there could be no urgent necessity at this time, and least of all with such precipitation, to place such a measure upon the table of the House of Commons. But, crossing the Channel and coming to this country, could the right hon. Baronet point out one county, or section of a county, or town or village, in which there had been any manifestation of such designs as the proposed Bill was intended to frustrate? Let them rave at the Chartists as they would—let them rave at the working classes as they would, and whilst they did so eulogise the middle classes, and try to set one against the other, yet he challenged them to point out one case of the description to which he had alluded. He knew manufacturers who had in their employment hundreds of Chartists; they were trustworthy, they were men of intelligence, they were loyal men. Her Majesty's Government had not made a concession to their just demands; but had met them with an un-English and unconstitutional law, and sought to deprive them of those privileges which all the Governments of Europe of the present day were guaranteeing to their subjects. He denied, therefore, altogether that Government had made out a case for this Bill. He was not here to say that some alteration of the law might not be necessary as to particular individuals; but he denied that Government had any right, by implication, to cast a false accusation in the teeth of the people of this country at large. It might be said that if expressions were used hostile to the style and title of Her Majesty, and the integrity of Her dominions, that there was no guarantee that they would not be made the instrument of wide-spread operations throughout the country. Let a man be obnoxious to those in whose neighbourhood he lived; let him be reported by an illiterate person: he might be instantly committed; no bail could be put in; and when he came to take his trial, he was in an infinitely worse position than if he had been accused of high treason. This law was either wanted, or it was not. If it were wanted, for whom was it wanted, and for what particular ends and purposes? With regard to the people of Ireland generally, they were not employing this language. Let the House know that the Chartists assembled on Kennington Common were but an insignificant fraction of the Chartists throughout the country. Where were Chartists not to be found? You could not travel east, west, north, or south, without finding them. He had never taken a Chartist aside into a room, that he had not found him as docile and teachable as any other member of the community. Who were the Chartists? The men who made the Members of this House what they were—the creators of their luxury—the men without whom the country would be nothing—the men whose value could not be computed with the value of any other class of the country. If he were called on to say which was the most valuable class, he should say the working classes. They did not yield in intelligence to any other class of the community. They read the speeches of Members in that House with as much attention as any one; they weighed the value of every measure brought before it; they were skilled in mechanical arts, and trusted by their employers. These were the men whom they were branding by the present Bill. How would the right hon. Gentleman the Secretary of State for the Home Department, and the noble Lord, and the Attorney General, whose names stood at the back of the Bill, answer to the working classes of the country for this Bill? Let them catch their men in Dublin; but let them not do it at the expense of the character of the people of this country. Do not outdo Mr. Pitt in his hostility to the privileges and rights of the people. Do not outdo Lord Castlereagh, who never dreamt in the days of the Manchester massacre of introducing such words as were in this Bill. He asked for delay. If this law were passed, a man might be visited by a magistrate's warrant, and told he had committed a felony, by an Act which the people's representatives in the House of Commons had passed without taking time to read it. A more monstrous Act was never meditated in the Legislature, than passing such a Bill in so short a time. When he heard that the Government had summoned their adherents to come down to the House to make this Bill law, he despaired for any one who looked to the Government for the smallest instalment of their political rights. Upon what principle did the American colonies revolt, and justify that revolt in the eyes of the civilised world? On the ground of taxation without representation. On the imposition of the Stamp Act and the duty on tea, they flew to arms, and finally won their independence. The people who had come to that House, by their petition, stood in precisely the same relation to the Government of this country now, as the people of America stood to the Government of England in 1786; and the petitioners whose signatures were appended to the petition were more in number than the inhabitants of the North American colonies at the time of the declaration of their independence. Whilst the words to which he objected remained in this Bill, he would obstruct it in every stage. The House was not the friend of the people in passing it. Gather their troops together as they might; garrison Somerset House; glory in the majestic attitude of the metropolis for a day—

> \- - - "But in these cases
> We still have judgment here; that we but teach
> Bloody instructions, which being taught, return
> To plague the inventor. This even-handed justice
> Commends the ingredients of our poisoned chalice
> To our own lips."

They were alienating from the Sovereign millions of the people by passing such a Bill as this. Her Majesty's Ministers would take the Bill to Her Majesty, and ask for her sign-manual, and commit Her to the Act of treason; but although the people were despised by the House of Commons, and looked upon with scorn, the day would come when they would have that which every man was entitled to—a right to elect their own representatives in that House.

MR. OSBORNE very much feared that Ministers were resuming the course of policy of 1795, with this difference, that the descendants of those men who resisted Mr. Pitt in his policy of 1795 were now installed in office, with much less excuse for passing Acts which Mr. Pitt dared not carry into execution. He was not one of those who found fault with the Government for the precautions which they had taken on the late occasion; he thought those precautions wisely taken, because great responsibility rested upon the Government; but he took an exception to the course they were pursuing as to the present Bill. They were trading upon a panic. Some old lady had got into the Cabinet of the noble Lord, and was exciting him to acts of terror. What was the principal circumstance which, in 1795, induced Mr. Pitt to bring forward his Bill? In 1795, the Tories got the country into a war of opinion with France. In 1795 there was great scarcity of bread, and the King in passing to the Houses of Parliament was exposed to an attempt at assassination. Was that the case in the present day? The Foreign Minister of this country had told us that he would not interfere in a war of opinion with any other country, and the Queen had not been exposed to insult. His own impression was, that there never was a time when the Queen reigned so securely and firmly in the hearts of the people. The people found no fault with the Sovereign; and it was a cunning device on the part of Her Majesty's Government to put the Queen in the front rank, when the fact was that it was the measure of the Government. When Mr. Pitt brought forward his Bill, it was resisted in every stage of the proceedings. The Government of that day was not so imperious as the present. They did not attempt to thrust the Bill on the House without giving time for consideration. What a contrast was now presented! Here were men, the descendants of the Opposition of that day, persisting in a Clause which was withdrawn in 1796 by Mr. Pitt. The hon. Member for Oxford had said, in reference to the speech of the hon. Member for Montrose, that he had no sympathy with Mr. Muir, the Reformer; but he would ask the hon. Baronet if he knew what Mr. Muir had done? Did he know what Mr. Muir had been convicted of? He was convicted, on the evidence of his servant maid, of having said that the present system required reform, and that he had lent a copy of Tom Paine's works to a third party. On that evidence, and for those acts, he had been convicted, sent to the hulks in irons, and transported to Australia for fourteen years. In 1796, Mr. Pitt, in the climax of his power, did not persevere in introducing the words "open and advised speaking;" he withdrew the words at the suggestion of Lord Grenville. He (Mr. Osborne) wished that we had some of the Whigs of the old leaven, some of the Greys and Foxes of former times, who would request the Government to withdraw the words from the Bill, in order that a measure might not be adopted which would render the air of this country like the atmosphere of Russia. What was constructive treason? It had been held in the reign of Charles II.—a monarch whose laws some persons were fond of referring to—that it was constructive treason because the mob had risen and put down certain brothels in the metropolis. There was no saying what might be held to be constructive treason. The Member for Westminster, who said he would go down to the House of Commons with 100,000 men, might be indicted for constructive treason; and Mr. Macaulay might for some of his writings be indicted for constructive treason, and, if found guilty, sent to Australia, perhaps to Norfolk Island. What had been the gist of Mr. Macaulay's writings? Had it not been to excuse the conduct of the Puritans in bringing Charles I. to the scaffold? He thought that this was a slavish Bill, for circumstances might arise in this country which would make it the duty of every man to make war on the Sovereign. If they shut up the safety-valve, as it had been well called, which freedom of speech gave to the people, the tendency of such an unconstitutional measure would be to drive the people to secret and armed confederacies. He would direct the attention of the gentlemen of the Fox Club to the language which Mr. Fox had used when speaking of the freedom of the press and liberty of speech. He said—

> "The power and influence of the Crown are so great that all the liberty of this country is preserved by freedom of speech and liberty of the press; and if those great barriers of liberty are destroyed, though men may speak less they will feel more, and arms will be the only resource left them, either for redress for themselves or for vengeance upon their oppressors. If such a Bill is passed, if such a line of conduct should be adopted, resistance to it would be but a matter of prudence."

That was in 1795; but he would not go into any comparison with the man who made those observations and the Whigs of the present day—give them rope enough, and that was all they required. The present Government were confirmed invalids, and it was known that confirmed invalids lasted the longest. They first leant on one party and then on another: the right hon. Baronet the Member for Tamworth was a crutch at one time, and the noble Lord the Member for Lynn was a crutch at another—but the real party upon whose support the Whigs came into office, namely, the people, were thrown over by them. What would be the effect of letting the people see that the House of Commons was in a hurry only to pass laws of coercion, and that they displayed no alacrity in passing laws of amelioration? It had been said that the right hon. Gentleman the Secretary for Ireland had spoken in an excellent tone, and that was quite true; but did the people of Ireland care for the tone in which the right hon. Gentleman spoke, or for his gentlemanly manners, in the absence of any practical measures to improve their condition. From what had occurred in another place, it would appear that it was probable Ministers would bring in an Alien Bill; and why?—because one noble Lord saw three or four Frenchmen in the Strand. Did Ministers know that Mr. Pitt brought in an Alien Bill, and did they know the effect which it had produced? Let him remind noble Lords and panic-struck persons what the French Government would say if an Alien Bill were introduced. They would say, "You received the French King and his Ministers, but yet you bring in an Alien Bill to keep out the French people." He looked with suspicion upon the course pursued by the Foreign Minister; and when he looked to what had taken place in Portugal, he could not say what influences might be brought to bear, and what circumstances might occur, if we interfered with France. He thought it his duty to give his opinion of the policy of the Government; and he called upon all those who had been returned by liberal constituencies not to be carried away by a temporary panic; and he would call upon the shopkeepers, because a few windows had been broken, not to give up constitutional principles or to relinquish those liberal feelings which the right hon. Gentleman had so disgracefully deserted.

Mr. F. O'CONNOR: The proceedings of Monday showed that the people were loyally disposed, and consequently that no such measure was necessary. The prosecutions which had taken place in 1839, 1840, and 1841, were quite sufficient to show that the existing law required no strengthening; yet this measure was brought in by the Whigs. It was the pride of the Whigs of former days to be opposed by the Tories; but it was the guarantee of the Whigs of the present day to be supported by the Tories. This measure, if passed, would be a disgrace to the Statute-book, and a dishonour to the Government. Let them pass this Bill, and that which was the safety-valve of the constitution being fastened down, discontent would at once explode; there would be no more an opening for the expression of public opinion. Vulgar men would be allowed to preach throughout the country what doctrines they desired; of them no notice would be taken; but as soon as any one man, opposed to the Government, spoke advisedly, they would mark him out their victim. Well; and if they were to fill the hulks with martyrs, he would tell them that for each martyr ten thousand new men would arise eager and willing to step into his place, and to bide the event. It was impossible that they could maintain Ireland in her present position. Something must be done for her, and that speedily. This Bill would not put her down—this Bill, which he denounced as treason against the Crown, and the person of the Sovereign. Such a Bill he never expected would have emanated from a Whig Ministry; in consequence of it, they had become the most unpopular Government that had ever possessed the reins of power in this country. Was it not well known that the Government had the power of selecting the judge and the jury? What chance, then, was there for the liberty of the subject? He entreated the House, he entreated the Government, to give the people an opportunity of expressing their opinions upon the Bill. He besought the noble Lord not to disgrace the high name he bore by thus pressing such an unconstitutional measure. He did not mean to taunt the present men in office with the treatment which he had personally received at their hands. He considered that it was but right that those who led the people should suffer any penalty which might attach to their position. He protested against a reformed Parliament thus stealing a march upon the people; he protested against the Bill, because he was a loyal subject, and because he objected to Her Majesty's becoming tinged by the disloyalty of Her Ministry. He could not find language sufficiently strong to denounce his abhorrence of it. If folly or treason were spoken at a public meeting, the good sense of those present would put the surest extinguisher upon it. He had never allied himself to secret societies—he never would; but let them pass that law on that day, and on that day week hundreds of secret societies would be organised throughout the kingdom, which sooner or later would result in a storm that would swamp the Government, and shake the empire to its foundations. Let not the noble Lord despise his warning—to be forewarned was to be forearmed.

Mr. PHILIP HOWARD would not have risen, were it not for an observation which had fallen from the hon. Member for Middlesex, which he considered calculated to raise a feeling of hostility upon the part of another country. It was well known that England at all times was the home of misfortune. It was well known that every refugee by reason of political opinion—every one who had to leave his own land for the vigorous assertion of liberty—fled to England for a home. They were received with open arms; but at the same time, while England shielded misfortune, while they never interfered with the foreigner in his trade or profession, they were not bound to sanction agitation which might be formed and fostered under foreign influence. It was perfectly well known that upon a late occasion foreigners took an active part. The Government had not given notice of an Alien Bill exactly like that of Mr. Pitt; they desired a registration of aliens, which would enable the police force to discriminate between those engaged in lawful pursuits, and those who took an active part in promoting the disaffection which unhappily had arisen. Such a course would be merely protective, and not directed against any particular class. And he must be allowed to correct an error which seemed prevalent. It had been asserted that there had been a panic upon the part of the Government. This he distinctly denied. The precautions taken were only such as became a nation long inured to freedom. He trusted that the Government would accede to the Amendment proposed by the hon. Member for Cockermouth, namely, that it should be in the power of the court to mitigate the penalty to three years' imprisonment; he was, however, prepared to support the Bill in its integrity.

Mr. REYNOLDS said, the hon. Member for the Tower Hamlets, in speaking upon the Government measure, used words to the effect, "Oh catch these Dublin men if you can, but do not impose such a law upon the people of England." The hon. Member for Oldham the other night expressed himself very similarly; and such, indeed, was the feeling entertained by many Members in that House. Now, he wanted them to act upon the broad principle of justice. The Bill was eminently calculated to destroy the liberty of the subject, by depriving him of the liberty of speech and the liberty of the press. They had tried to put down liberty of speech in France; and what had been the result? Why, the tyrant had been hurled from his Throne, and was with his family a wanderer upon the world. How a Whig Ministry could support such a Bill—such an unconstitutional and Algerine measure—after the appeal made to them by the hon. Gentlemen the Member for Middlesex—he could not conceive. Did they mean to throw entirely overboard the doctrines and the examples of their great prototype, Fox? He, for one, cautioned the Government against retaining the obnoxious words. If they did, they would be multiplying sedition in Ireland, for they would find no juries to convict under such a Bill. He disapproved of the principles and the doctrines of the hon. Gentleman the Member for Limerick; but that hon. Gentleman, and those with whom he acted in Ireland, were but straws floating upon the surface of society, and showing by their movements the way in which the current flowed. He much doubted whether there were ten men in all Ireland who would be consenting parties, under any circumstances, to the transportation for life of the hon. Member for Limerick; and he implored the Government, if they valued the peace, the prosperity of Ireland, and the integrity of the empire, to modify this Bill. He repeated that if it passed it would greatly increase the strength of the turbulent and disaffected in Ireland. Why was it that only coercive measures were extended to the sister country, and that measures of amelioration were so often confined to England? Let the Government remember who were their opponents on this occasion. The most uncompromising of these would not be found amongst the Members for rotten boroughs, or the representatives of small constituencies of one, or two, or three hundred electors. No; among the opponents of the Bill would be reckoned those who represented constituencies the largest, the most independent, and the most thoroughly unpurchaseable in the empire. Surely, and speaking without egotism, his own opinion, representing as he did a quarter of a million of the loyal subjects of the Crown, ought to have some weight with the House. And so ought the opinions of men who represented such constituencies as the Tower Hamlets, or the county of

Middlesex. Again, then, he implored Government not to be guided so much by the number as by the character of the votes which would be recorded on this Bill. He objected to leaving the liberties of the people to be dealt with by any Government, either Whig or Tory, upon the oath of paid informers. Why, under the measure before the House, a paid incendiary could go to a public meeting and make a speech infringing the provisions of the Bill, in which case any one of his hearers would be committed by his acts. He contended that it was possible for a hired informer to make a speech that would render every man who heard him amenable to the law. Let them look to the 7th Clause. There was no doubt about the matter. Under the 7th Clause, any man who was at a meeting at which such a speech was made —although he might have been present merely from motives of idle curiosity—was liable to be indicted, and sentenced to two years' imprisonment, with hard labour. He did most earnestly trust, then, that the Bill would be most extensively modified. In its present shape, it was a most objectionable, unconstitutional, and arbitrary measure.

Sir GEORGE GREY observed, that it would be more regular to take every clause *seriatim*, and in proper order. It would be certainly more for the convenience of the House—now that the hon. Gentleman the Member for Cockermouth was present —to go on with the discussion of the clause on which that hon. Gentleman proposed to move an Amendment.

Mr. HUME observed, that the hon. Member for Middlesex had made an appeal to the Government as to whether or not they intended to carry out the principles of their party, or to fling them over, and adopt the views and policy of Mr. Pitt, and perhaps go further than even he did. If such were the intentions of the Government, let them say so; let them declare at once that they intend to fling to the wind the opinions of Mr. Fox, and take up with those of Pitt and Dundas. He (Mr. Hume) had heard the noble Lord say that he was a disciple of Mr. Fox. Let him now then reply to the appeal of the hon. Member for Middlesex. Were Government in possession of facts which they could declare were of such a nature as to endanger the peace of the country, then let them come down to the House and ask for some temporary measure. In that case, he, for one, should have no hesitation to grant for a limited time the extraordinary powers demanded. But now they were called upon to pass a measure without any such limitations or safeguards—a measure assimilating the law to what it once was in Scotland, at the time of the trial of Muir, Palmer, and Skirving—a state of the law which would render any man liable to be dragged from his own table for sentiments uttered there, and be ultimately transported as a felon. Why, this measure outraged and went beyond everything ever proposed in that House; for even under the old Scotch law, its victims, although they were thrown into irons and sent on board convict ships, were not actually accounted felons. Muir was charged with exciting, by seditious speeches and harangues, meetings which assembled by no lawful authority; but the real ground of offence was, as Lord Grey stated subsequently, that he had established two reform societies, and was an advocate of a reform in Parliament. But had those who subsequently agitated in the same cause received any opposition from the hon. and right hon. Gentlemen who now filled the Government benches, though language had been used in the cause of that reform agitation fully as strong as that of Muir? No, they had not received even the smallest opposition from them. He had addressed meetings of 40,000 men, who on one occasion passed resolutions to the effect that they would pay no more taxes; and when the Attorney General told him he was acting illegally in presiding at such a meeting, he (Mr. Hume) told him he knew it. During Lord Melbourne's Administration large meetings took place in the metropolis, and on being asked whether he would allow them to march in procession, he replied he would not interfere, as he was convinced of their peaceable intentions; and the result had proved the soundness of his judgment. Those who saw the procession to which he referred would remember that for three miles the streets were filled with men eight abreast, who having delivered their address, passed on in peace and order. The Ministers now in office had countenanced, had profited, and had been benefited by these meetings, to which they had more than once tendered their thanks; but they now altered their course of policy. Disappointed in a great degree as he had been in the expectations he had conceived of the advantages to be derived from the Reform Bill, he considered nevertheless that it constituted the means by which

England would stand firm while other States were falling around her. If the Parliament would but act honestly to the people, all might yet be well. It was not constitutional to say in the House that Parliament did not represent the people, and therefore he would not say it, but such was nevertheless his opinion. In his conscience he could not say it represented them, any more than he could say that that Parliament represented them in which Mr. Canning got up and, stamping his foot, declared, "I take my stand against Reform—I stand on Old Sarum." If this Bill were passed, the indictment against Muir, wherein he was charged with having recommended Paine's *Rights of Man*, and with using certain language within the walls of his father's house at Glasgow, would be a sample of those which they would find directed against parties who sought for constitutional liberty. He had advised the Government not to hurry the Bill through the House, and to allow the country a week to consider its provisions; but they, as if panic-stricken, pressed it on at once to a discussion. In every word which had been spoken by the hon. Member for Middlesex he cordially agreed. He hoped every man in the country would read it, and he was sure not one of them would be found to disagree with him, or to deny its truth and justice. The hon. Member for Carlisle said his constituents approved of the Bill; but if so, they were the only popular body in England who would be found in its favour. Again he entreated Government to pause before they brought about a state of things which this island had witnessed before, when secret societies arose all over it, when party was divided against party, and man against man. They should, at least, allow them till Monday next to consider it. It was proposed to bring in an Alien Act also—at least so he heard it stated. When they recollected the unanimous feeling against the last Alien Acts, which led to their repeal, he could not think it was really their intention to revive such an unpopular measure. After the speech of the right hon. Baronet (Sir R. Peel) some nights ago, in which he declared his hope that England would ever remain the refuge of the unfortunate, he at least could not vote for such an enactment. When they had admitted unfortunate Sovereigns and unfortunate Ministers to their shores, it would be unjust to pass an Alien Act against other unfortunate foreigners not so exalted. He trusted all this was a mistake, and that the noble Lord would, in answer to the speech of the hon. Member for Middlesex, tell the House on what principles he intended to carry on the Government.

Mr. P. HOWARD explained: He had spoken strongly in favour of the Government acceding to the Amendment of the hon. Member for Cockermouth (Mr. Aglionby), for mitigating the clause relating to transportation for life, and stated distinctly he regretted the insertion of the words on which the discussion arose; but generally he believed his constituents in favour of the principle of the Bill.

Lord J. RUSSELL said: I certainly, Sir, should have been better satisfied if the hon. Gentleman who has just sat down, and those who have spoken before him, had been contented to go into Committee and to hear the reasons which might be urged in support of the clause which he and they so loudly condemn. But as the hon. Gentleman the Member for Montrose has asked me on what principle we propose to act, I say now, as I have ever said, that with respect to the general principles of politics, and with respect to the great maxims of the constitution, I believe Mr. Fox to have laid down the true doctrine. But, Sir, we are now living under extraordinary circumstances—we are living in times when persons think it right and think it their duty to call together councils and confederations in which they declare that war ought to be made against the Sovereign; in which they declare that the armed forces of the Sovereign ought to be seduced or bribed; and, if seduction or bribery do not succeed, that they should be suppressed by force of arms—when persons are advised to arm themselves, and are told if they procure those arms they will gain a signal victory—when they are told that the soldiers and the police will not be able to withstand them; and when persons think it advisable, even in this House, Sir, to show in what manner they mean to proceed, and how they will advise their countrymen to devise the measures necessary for the success of rebellion. I, Sir, believe that, according to the spirit of this constitution, great latitude of discussion should be allowed—that inflammatory language should be permitted; that language which may incite to alienation from our constitution—from our monarchical constitution—should be permitted to proceed to great lengths, because I know, without the allowance of some abuses of this kind, that the free liberty of discussion cannot be maintained; but instead of being reproached with having interfered intemperately and hastily, I believe the general opinion of the country rather is, that we have waited too long in doing so. But having come to the opinion that it is necessary to take measures of precaution—in order that those measures of precaution may defeat the designs of traitors, and that those measures of precaution may prevent part of the United Kingdom from being deluged with blood by those who have advised the commission of acts the most atrocious, and who have sat down quietly in their closets to show how by various infernal engines, how by the pouring of cold vitriol, and by other means, they may procure the death of their fellow-subjects—I say, under those circumstances, Sir, I should be ashamed of myself if I said, "There is danger approaching, but I am so awed by the authority of Mr. Fox—I am so afraid of having his words quoted against me—that I will desert my duty, and will not take those measures of precaution which I believe to be necessary." This, then, is my answer to the hon. Gentleman the Member for Montrose, when he asks me on what principles we propose to proceed. But, Sir, I think the hon. Gentleman has shown he will not come to this discussion, having fully understood the nature of the Bill we are now introducing—I mean the particular part which relates to "words." The hon. Gentleman has taken pains to refer to the indictment in the case of Muir and Palmer, which charged those persons with having used words calculated to incite to disaffection, to alienate persons from the constitution of these realms, and which were of a very inflammatory character. I should, Sir, agree with the hon. Member, that to transport persons for offences of this kind—offences which, though they may be very mischievous, do not, I think, go beyond the offence of seditious language, may be very oppressive and unjustifiable. I have, for my own part, ever considered the condemnation of Muir and Palmer unjustifiable; but there is a great difference between using language of this kind and language which directly tends to the levying of war against the authorities, and to the promoting of insurrection. That, Sir, must be the intent according to the Bill proposed by us; that must be the design, or otherwise the words cannot be prosecuted under the Act. The hon. Gentleman talks of the atrocity of condemning "words!" Does he know there are cases in which words may be brought in evidence in trials for high treason, and may be considered overt acts to prove the treason? It is stated in Hale's *Pleas of the Crown*, that "any device, advice, or persuasion to incite, encourage, or procure others to make attempts against the King's person, is a plain overt act of compassing the King's death." And yet all the objections made by the hon. Gentleman to "words," are, that they may have been misunderstood, that they may have been misreported, or that they may have been spoken with another intention—all these objections apply to the law of treason as it now stands. Perhaps, then, the hon. Gentleman objects to the law of treason? That may be so; but, at all events, do not let the hon. Gentlemen condemn us because we introduce a similar law with milder punishment, affecting the offence of intending, designing, and compassing the levying of war against the Queen. The hon. Gentleman is aware, Sir, that there is now an Act on the Statute-book by which, if any person in this country prints and publishes any writing with intent to cause the levying of war, he may be found guilty of high treason, and may be capitally punished. That is the law of the country by statute; and I ask the hon. Member, is it fit that one person who sits down and writes a newspaper afterwards published, in which he commits this offence, should be capitally punished; and that others—his confederates and his allies—should advisedly, and with preparation, make, day after day, speeches, with reporters from the newspapers before them, who will, they know, repeat every word they say—that these words shall be of equal or of greater malignity than those published by his confederates and allies—and that the one shall be found guilty of high treason, and capitally executed, while the other can only be brought up on a charge of seditious language, may get bail, and then be tried for a misdemeanour? Is that equal and fair justice? Let the hon. Member, if he will, propose in Committee that the intent to levy war, as expressed by publication, be reduced to sedition, or left altogether unpunished. If he is satisfied that the peace of this country and of Ireland will not be disturbed, let him propose to do so; but let him not say we are proposing any such unconstitutional change in the law, when, reducing the penalties with respect to one offence, we raise the penalties with respect to another—considering them to be offences equal in amount and in guilt—the one offence showing as great a disposition to disturb the peace of the country and to overthrow the Government as the other, which is now high treason. I admit that the proof is difficult. But if there is a newspaper or a book before you in which by consent of the author or publisher words have been published, the jury must readily admit, if publication be proved, that they are the words which the author or publisher intended to be printed and published. With regard to the words spoken, there is not the same proof; therefore I do admit that the jury might require, and I have no doubt would require, fuller proof with regard to words thus spoken, even though they might be spoken with preparation, than with regard to words published. This is a question, however, which may fairly be considered in Committee. Sir, I will say further to those who approve of the law as it now stands, that while we think that all that part of the Bill which tends to mitigate the penalty of high treason, and to alter the character of the offence from high treason to felony, and the punishment from death to transportation, and that part of the Bill which extends the whole Act to Ireland, should be maintained as we propose it; we are ready to propose that those other parts of the Bill which are new, and which refer to advised speaking, should have only a temporary operation, and come again under the consideration of Parliament. For my own part, I believe that the enactment will be a right one; but that which I am intimately convinced of, and I think the House will also be of the same opinion, is, that such an enactment is necessary if we mean to cope with the danger which surrounds us. The hon. Gentleman has alluded to subjects into which I will not follow him. He has alluded to the precautions that are being taken against aliens. Now that measure will not be introduced in this House for some few days, when I shall have an opportunity of speaking upon it. Therefore, I will only say this, that any measures that may be introduced now, are introduced under a deep conviction that the peace of this country is worth preserving—that the institutions of this country—its monarchy and constitution—are not to be lightly given up; and while that trust is in our hands we will endeavour to prevent it.

House in Committee.

On the 3rd Clause,

Mr. HORSMAN said: He was sure that all the House must have heard with great satisfaction one part of the speech of the noble Lord. He had heard it with a satisfaction he could scarcely express. He would own that he had approached the consideration of this question with very great anxiety and with very great alarm; for he believed that this was the most important question that had been brought under the consideration of Parliament since he had had the honour of a seat in that House; and whether it was on account of the importance of the question, or whether from the haste with which it appeared to him a great portion of that House were prepared to pass it, he would not say, but he looked upon the measure with very great anxiety and very great alarm. He considered that the Bill of the noble Lord was a very dangerous innovation. It was for the first time doing away with the difference between words spoken and words written, in opposition to all authority, and in defiance of all precedent. His right hon. Friend yesterday proposed a proviso, which was considered as some improvement to the Bill which had been introduced. That, however, did not meet the wishes of those who opposed the Bill. They had no wish whatever to restrict any powers with which the Government might think it necessary to meet the present danger. But their objection was, that in a measure which had been called for by sudden and temporary circumstances, of which measure they had heard for the first time on Friday, and which they were to have read a second time, and go into Committee upon on Monday, a permanent enactment was introduced. He thought he could show that every constitutional authority condemned the provisions which the Government were endeavouring to introduce. His hon. and learned Friend the Member for Oxford quoted the other night the authority of Blackstone, who distinguished between words set down in writing and words spoken, holding that the latter were clearly not treason. Blackstone said—

> "For they may be spoken in heat, without any intention, or be mistaken, perverted, or misremembered by the hearers; their meaning depends always on their connexion with other words and things; they may signify differently according to the tone of voice with which they are delivered."

Judge Foster, in his *Discourse on High Treason*, said—

> "Mere words are always liable to great misconstruction. * * * Seditious writings are permanent things, and, if published, they scatter

> the poison far and wide; they are acts of deliberation, capable of satisfactory proof, and not ordinarily liable to misconstruction; at least, they are submitted to the judgment of the court naked and undisguised, as they came out of the author's hands. Words are transient and fleeting as the wind; the poison they scatter is, at the worst, confined to the narrow circle of a few hearers; they are frequently the effect of a sudden transport, easily misunderstood, and often misreported."

Sir Matthew Hale, a still higher authority, said—

> "Regularly words, unless they were committed to writing, are not an overt act within the statute of Edward III.; and the reason given is, because they are easily subject to be mistaken, or misapplied, or misrepeated, or misunderstood by the hearers."

The noble Lord (Lord J. Russell) said, that it was not the words alone, but that they were evidence of the intent or design of the speaker; and, quoting East, he said that any one who encouraged or commanded another to levy war was guilty of a misdemeanor. But in this Bill the words were not "encourage or command," but "compass or imagine," with respect to which Sir M. Hale said—

> "The words 'compass or imagine,' are of a great latitude. Compassing or imagining, singly of itself, is an internal act, and without something to manifest it could not possibly fall under any judicial cognisance, but of God alone; and therefore this statute (25th Edward III.) requires such an overt act as may render the compassing or imagining capable of a trial and sentence by human judicatories."

Here it was proposed, by spoken words, so difficult of proof, to prove the design. He challenged the Attorney and Solicitor General to show that this Bill was not contrary to all precedent and all authority. He had therefore two objections to this measure: the one was, that there was no authority for introducing the words "open and advised speaking" in any permanent Act; and, in the next place, that the only precedent for the measure was that of a temporary Act. The constitutional authorities which he had quoted were not living, and he would now direct the attention of the Government to a great living authority, to whom the Government could not but pay respect. One of the most interesting and instructive works of the present age was the *Lives of the Lord Chancellors of England*, by a noble Lord a Member of the Cabinet. Now he would not ask whether that noble Lord had been consulted by the Attorney and Solicitor General on this occasion, or whether his concurrence had been given to this measure, because he had the opinion of the noble Lord recorded in the work to which he had just referred. Lord Campbell, in his *Life of Lord Chancellor Eldon*, after stating that Lord Eldon, when he brought in the Act of 36 George III., called it "a legislative exposition of the Statute of Edward III., remarked—

> "It greatly extended the provisions of that famous law, which for many centuries had sufficiently guarded the safety of the Throne and the liberties of the people. Instead of the simple enactments against 'compassing the King's death,' or actually 'levying war against him,' the penalties of high treason were applied to the vague charges of 'imagining' to levy war against him, or 'imagining' to intimidate or overawe both or either Houses of Parliament, such imaginings being expressed by publishing any writing, or by any overt act or deed. The Whig leaders, although with a very slender following, made a noble stand against these encroachments on public liberty."

Lord Campbell added—

> "The object seems to have been to include such cases as those of Lord George Gordon, Hardy, and Horne Tooke, so as by this 'legislative exposition' to establish the doctrine of constructive treason, which juries and the whole nation had repudiated. Upon a strict construction of the Act, I doubt very much whether the proceedings of Mr. Cobden, praised so highly by Sir R. Peel, might not be brought within it, in a speech of nine hours from an ingenious counsel. It still remains on the Statute-book, but may be considered a dead letter. When I, as Attorney General, prosecuted Frost and his associates for high treason at Monmouth, in 1840, I proceeded entirely on the old Statute of Edward III., and I obtained a conviction against them without difficulty. I will venture to say, that every offender who ought to be prosecuted for high treason may easily be brought within this Statute."

Yet the present Government, of which Lord Campbell was a Member, now proposed to revive that 36th of George III. There appeared to be in the Ministerial circles a feeling of considerable panic and alarm, for which nothing that he had seen afforded, in his view, any justification. The year 1796, when this Act was passed, was a period of greater and more just alarm; and what said statesmen then? Mr. Pitt, who was in the zenith of his power, did not press for such a measure as that now before the House. Mr. Erskine, in the discussion at that time, quoted Chief Justice Eyre's words:—

> "That human laws ought not to interfere, nay, could not interpose to prevent the communication of sentiments and opinions in voluntary assemblies of men."

Mr. Fox said, November the 10th, 1795—

> "We have seen and heard of revolutions in different States. Were they owing to the freedom of popular opinion? Were they owing to the fa-

cility of popular meetings? No, Sir, they were owing to the reverse of these.

"In the reign of Charles I., the most interesting period to which we can look in the history of this country, was freedom of speech indulged to any latitude, or were libels suffered to pass without notice? On the contrary, were not both at that time punished with an extraordinary degree of rigour?"

Speaking of popular discussion of grievances, he said—

"If you preclude these political humours from having a vent, you then leave no alternative but unconstitutional submission or actual violence."

Unrestricted freedom of speech was the best possible police; no spies were needed when men published their own designs. But when you adopted such restrictions as were proposed by this Bill, you showed that you feared discussion; and when you feared discussion, it was a proof that your system was unsafe. Of all the speeches made recently, he believed the only effect had been to call forth strong feelings of disapprobation in all the well-regulated portion of the community. Nothing but disgust had been created by them; and at the end of the last century, when all those Bills were passed, there was no indication of a state of feeling so wholesome or so safe as had appeared within the last few days. We might ask, what is it that places us in this wholesome state, amidst the crash of systems on the Continent? What was it but that we had anticipated those events, and granted by gradual and timely reforms what others were striving to seize by revolution. Contrast the effects of the system in favour on the Continent with that followed by ourselves. It was known that on the one day the Minister of Austria told a friend that he was never so secure, or with so little cause for apprehension; yet on the next he was driven out of the Austrian capital. There were those in the metropolis at this instant who could tell us that on the eve of the decisive day at Paris, the King of the French remarked to English guests in the Tuileries that he was perfectly secure, and that his arrangements for keeping order were perfect, so that he could laugh at all that was going on beyond the walls of his palace; and that next day he was driven from his throne and palace into exile. All this was a lesson that the strength of a Government did not depend on majorities, but on the opinion of the public. Here was a danger which he thought he saw at this moment—in disregarding that truth, the Government did not sufficiently feel the impotence of Parliamentary majorities, or the omnipotence of public opinion. Considering the wholesome feeling which existed in the country, he could not understand why such a panic should prevail, or why the Government should call upon Parliament to pass a measure which Mr. Pitt in the zenith of his power did not venture to press, and which Lord Castlereagh in the height of his unpopularity did not dare to propose. However, as the noble Lord now proposed to give a temporary effect to that part of the measure which related to words spoken, he should not be disposed to carry his opposition to it so far as he should otherwise have felt it his duty to do. He knew that the main object was to extend the English law in a modified form to Ireland; he agreed at once to that proposal, but not with the same alacrity and willingness as he had heard some hon. Gentlemen express, for he could feel no joy at a proposal to extend fresh measures of restriction to Ireland. He could not assent to the new doctrine propounded with regard to that country—that all its grievances proceeded from social causes, and not from bad legislation. For the first ten years during which he sat in that House he was a party to telling the people of Ireland that bad laws had a large share in producing their grievances and distresses; and he was still of that opinion. As to the state of circumstances in which this Bill was proposed, and the tone of alarm which accompanied it, he must say at once, though there might be some serious indications, such as the existence of distress in the country, yet he believed there never was a period in our history when there was less ground for alarm, or less cause for extraordinary measures.

Mr. SAMUEL MARTIN said, that he would propose that the words "by open and advised speaking" be struck out, and would take the decision of the Committee upon that point. A great constitutional principle was involved in the question. Hitherto a distinction had always been maintained between words spoken and words printed; and he was prepared, to the utmost of his power, to prevent that distinction from being destroyed, and to maintain the old common law of the kingdom and legislation in the current in which they had uniformly flowed. The common law of the country had always drawn a distinction between spoken slander and written libel; and the whole current of legislation from the earliest periods had been founded on the same distinction. The distinction was maintained in the Act of Anne, upon which the Secretary for the Home Department professed to model the present Bill; and the same distinction was also maintained in 36th George III., the third section of which made writing a felony, whilst the following section made spoken words a misdemeanour, except for the second offence. All our great authorities, from Holt and Hale down to Blackstone, had upheld this distinction; ought we, in 1848, for the first time, to destroy it? Setting aside the current of law, and the weight of authority, and testing the thing by the rules of common sense, the inquirer would come to the same conclusion. The effect of spoken words was necessarily confined to a few persons; the human voice could not reach beyond a limited number of persons. If the words spoken were afterwards printed, the sphere of their influence would be greatly extended; and, in that case, you could get at the printer and publisher under the existing law. Montesquieu said, that if words spoken and words written were placed upon the same footing, "there would be an end, not only of liberty, but of its very shadow." Hitherto he had been speaking upon the mere abstract question; he was now about to touch upon a point as to which he could speak practically; and he invited the attention of his learned Friend the Attorney General to it. His profession had led him for many years to hear statements professing to be accounts of conversations, and the result of his experience was, that no confidence whatever should be put in them. He saw before him a Gentleman who was formerly Attorney General (Sir F. Thesiger), who was as capable of forming an opinion on the point as any man in the kingdom, and he appealed to him as to whether what he was now stating was not the fact. The declaration which he had made as to the untrustworthy character of parole evidence of words spoken, referred not to spies and informers, but to witnesses honestly intending to speak the truth. There was not a Gentleman in the House, who, if he were to attempt to repeat a conversation, would be able to do so in the terms used by the parties. If that were the case with honest witnesses, what exaggerations and distortions of fact might we not expect from spies and informers! It was said that reliance might be placed on the discrimination of juries. Now, he believed that in ordinary circumstances a jury was one of the best possible tribunals for the determination of matters of fact; but he could place no reliance on a panic-stricken jury. Only think of a jury empannelled on Monday last! He thought that the Government were justified in all the precautions they took on that day; but he would as soon have asked for the opinion of a parcel of insane men as have taken the verdict of a jury on Monday last upon words spoken. It might be said that the Government would have shorthand writers to attend meetings, and that they would not prosecute unless they were satisfied that the words on which they proceeded had actually been spoken. He gave the Government credit for intending everything that was fair; but, for his own part, he had no great faith in shorthand writers' notes. In the course of his experience he had over and over again heard persons say that they had been misrepresented by the statements attributed to them by shorthand writers. His hon. and learned Friend knew that Judge after Judge had made the same complaint; and one of the ablest Judges on the bench had avowedly objected to the shorthand writers' notes being made the ground of legal proceedings, because they had over and over again misrepresented his charges to the jury. If shorthand writers committed those mistakes in the stillness of a court of law, what blunders might they not be expected to make when they took notes amidst the confusion and excitement of a public meeting? With the permission of the House he would refer to a case which illustrated the difficulty of obtaining correct parole evidence of words spoken. Two attorneys got into a squabble at the chambers of a learned serjeant, out of which arose an action for defamation. The learned serjeant was examined on the trial, and it was found impossible to extract from him an exact account of the words spoken; he remembered, he said, that a great deal of bad language had passed, but could not undertake to repeat the exact words. The counsel thereupon asked him whether he had not heard persons in a low condition of life repeat circumstantially in courts of law conversations which had taken place in their presence? The learned serjeant's reply was—"Yes, but I never believe one of them." He (Mr. Martin) was entirely of the same opinion. The Amendment he intended to propose was to omit the words "by open and advised speaking" from the third clause; but as importance seemed to be attached to the preventing of persons from making such speeches—trash and rubbish as they were—as had lately been brought under public notice, he would propose a clause to this effect—that if any person at any assembly or meeting of twenty persons or more should by public and advised speaking suggest, advocate, or advise, the three matters in the third section of the Bill, it should be made a misdemeanour. [*A laugh.*] He was aware of the cause of the merriment in which some hon. Members were indulging; he knew that it was already a misdemeanour at common law; but at the present time it might be useful to define the offence particularly, as well for the guidance of parties who were liable to commit it, as of the Judges before whom they would be tried. In taking that course, he would be acting upon an opinion which Lord Tenterden expressed on the trial of Thistlewood. He had no objection to the introduction of a clause to prohibit the taking of bail in the particular cases of misdemeanour to which the Bill would refer; but it would be necessary to accompany it with a provision to insure the trial of parties within one month of their arrest, for the Government had no right to lock up a man without taking steps for his trial within the shortest possible space of time. By adopting the alterations which he suggested, Government would attain the end it had in view without infracting the sound constitutional law which established a distinction between words spoken and words written. He would ask the noble Lord at the head of Her Majesty's Government—upon this point, upon which he (Mr. S. Martin) felt strongly—that he would do for those who were his sincere friends what Mr. Pitt did in 1795 for his opponents. If it was right for Mr. Pitt and Lord Grenville, in 1795, to give way to their opponents, when the King's life was in danger, he thought he was not asking too much of the noble Lord to follow that precedent.

The ATTORNEY GENERAL said, he would reply as shortly as he could to the observations of his hon. and learned Friend, and state the reasons which induced him to support the clause in its present form. His hon. and learned Friend had advanced two arguments in support of the view which he took on this subject. His hon. and learned Friend said, first, that it was unsupported by any authority to make the speaking of words the subject of a criminal proceeding. [Mr. S. MARTIN: No, no; to make it felony.] He meant to say—felony; and, secondly, his hon. and learned Friend said the offence ought not to rest on parole evidence, because, from his long experience in criminal procedure, he had no confidence whatever in parole statements of words spoken. To meet, therefore, his objections to the present clause, his hon. and learned Friend had proposed a remedy, but of the inefficiency of which he (the Attorney General) hoped to be able to convince his hon. and learned Friend. If there were any real force in the argument as to the non-efficiency of parole testimony in the case of words spoken, then it appeared to him (the Attorney General) that, instead of his hon. and learned Friend proposing the rejection of these words from the clause, he ought rather to follow up the general outline of his argument in favour of public liberty by introducing a law to prevent any prosecution for seditious language in any case whatever; because the quality of the offence could not alter the nature of the evidence; and, if parole evidence was not to be relied upon at all, then it by no means altered the case whether the offence itself was of the gravest or of the most mitigated description. No emergency whatever could justify the remedy which his hon. and learned Friend proposed, after urging as he had done upon the House that no reliance was to be placed upon parole evidence. But what kind of evidence did his hon. and learned Friend require? Did he, as a lawyer, mean to say, that a man who, at a public meeting, advisedly counselled, by speech, the compassing of the death of the Sovereign, or the levying of war against the Crown, or the speaking in favour of the King's enemies, and in aid of invasion of the King's territories, could not, according to the law as it now existed, be indicted for sedition? Did he mean to confine sedition within such narrow limits? Unquestionably not. What, then, would be the effect of applying the remedy proposed to those three particular points? It would cast a doubt upon the general law of sedition. His hon. and learned Friend admitted, that offences of this sort required immediate punishment; that the promulgators of sedition ought not to be at large; that no delay should be allowed in prosecuting with vigour such offenders—and he even proposed that new criminal courts should be established. [Mr. S. MARTIN: No; a special commission should issue.]

They were to have a special commission within a month for the trial of misdemeanants. Such was the plan proposed to be introduced by his hon. and learned Friend, who nevertheless declared that experience justified him in having no confidence in parole evidence. He could not but think that, if it were necessary that any new remedy should be introduced, the remedy proposed by his hon. and learned Friend was not the most applicable to cases of sedition. He would now proceed to discuss the question as to the words proposed to be omitted. His hon. and learned Friend objected to the words in this clause, because no Act of Parliament had yet sanctioned the making of words written and words spoken an offence of the same degree. Now, one of the main objections as to offences against the Crown and Government was, that there was no intermediate offence between the high crime of treason and the lower crime of misdemeanour. By the law as it formerly stood, parties indicted for treason had counsel assigned to them, and so also had parties indicted for misdemeanours; but parties indicted for felony were not allowed counsel; it was therefore argued that it would be a gross hardship to make those Acts which were deemed treason or misdemeanour to be thereafter acts of felony, by which the accused parties would be deprived of the benefit of counsel. But that objection no longer existed — every person indicted for felony had the full benefit of counsel; and as to the forfeiture of goods—which was incident to a conviction of felony—that was a consequence applying almost equally to all three offences. There were several statutes which made the speaking of words of a certain tendency advisedly felony. The Statute of Anne enacted, that the party convicted should be deemed guilty of *præmunire*. What was the effect of that sentence? It subjected the party to imprisonment for life, and to a forfeiture of all his goods. Under the 13th of Charles II., chap. 1, the same case took place in respect to a certain description of misdemeanours; and there was a third Act, which was passed in the reign of George III. His hon. and learned Friend was mistaken in saying that there was no Act of Parliament which made the speaking of words felony, because by the Statute of George III. it was enacted, that if a person should have been previously convicted and imprisoned for such an offence as a misdemeanour, and should repeat the offence, then he should be deemed guilty of felony, and be subjected to a higher degree of punishment. [Mr. S. MARTIN: There must be some overt act.] It had been made the subject of grave discussion whether the speaking of words in the case of compassing the death of the King was not itself an overt act; and, whatever might be the opinion of Mr. Justice Blackstone on that point, it was quite certain that the highest authority on criminal law, Mr. Justice Foster, laid it down distinctly that spoken words which were intended to persuade to the commission of overt acts did amount to an overt act of treason. ["No, no!"] It was so laid down by Mr. Justice Foster, in his work on *Crown Law*:—

> "As to mere words," said that learned Judge, "supposed to be treasonable, they differ widely from writings in point of real malignity and proper evidence. They are often the effect of mere heat of blood, which in some natures, otherwise well disposed, carrieth the man beyond the bounds of decency or prudence. They are always liable to great misconstruction from the ignorance or inattention of the hearers, and too often from a motive truly criminal; and therefore I choose to adhere to the rule which hath been laid down on more occasions than one since the Revolution, that loose words, not relative to any act or design, are not overt acts of treason; but words of advice or persuasion, and all consultations for the traitorous purposes treated of in this chapter, are certainly so. They are uttered in contemplation of some traitorous purpose actually on foot or intended, and in prosecution of it."

He (the Attorney General) admitted, that other writers had held a different opinion, Lord Chief Justice Hale among the rest; but Mr. Justice Foster was of opinion (and cases had been decided in concurrence with that opinion) that words spoken with a design and intent to some treasonable overt act, such as that of compassing the Queen's death, amounted of themselves to an overt act of treason, and were to be construed as such. The distinction which had uniformly prevailed in civil cases between written and spoken slander, had been very much slackened of late years. It had been over and over again maintained by counsel, that though in some cases spoken words if reduced to writing might be more permanently injurious, yet in other cases spoken language was often more injurious to the parties, and was much more frequently made the subject of civil action. In his view of the case, it was a great defect of the criminal law of this country, that there was no intermediate charge between treason—the highest offence—and misdemeanour, the lowest offence. The consequence was, that there was in the Statute of George III. many cases made the subject of treason, which more properly should be reduced and made matters of felony; while there were many aggravated cases of sedition, which ought to be increased from the crime of misdemeanours, and be made felony. This was the object of the present Bill. It reduced some cases now deemed treason down to cases of felony merely, while it made cases of malignant sedition also felony which were now only deemed misdemeanours. But all this was accompanied with every security to the parties accused, by requiring almost instant proof of the offence to be made before the magistrates, and which proof was not to be deemed sufficient unless established by two witnesses. If, therefore, the House should be of opinion that every case of sedition should not remain as it now stood, but that it was prudent to have some intermediate case between treason and misdemeanour, guarded by all the securities he had mentioned, then he apprehended they would not adopt the remedy proposed by his hon. and learned Friend, but would consider that the safest, best, and most prudent course would be to retain the words as they now stood in the clause, even if it were proposed to make the measure permanent, which, however, it was not intended to do.

Mr. S. MARTIN explained. He did not say that no parole evidence could be trusted; all he intended to say was, that it was a species of evidence which was liable to many misapprehensions and mistakes.

Mr. MONCKTON MILNES said, that by the merest accident he had found out a mistake in the quotation made by the Attorney General as purporting to be the opinion of Mr. Justice Foster. It was not the opinion of Mr. Justice Foster at all, but it was a commentary made by Sir Frederick Pollock, when Attorney General, on that portion of the quotation only which were the words of Mr. Justice Foster. The real words of Mr. Justice Foster terminated at the close of the third sentence of the passage quoted by the learned Attorney General, and then commenced the following comment of Sir Frederick Pollock:—

> "And therefore I choose to adhere to the rule which hath been laid down on more occasions than one since the Revolution, that loose words, not relative to any act or design, are not overt acts of treason."

Mr. AGLIONBY said, the more he thought of this measure, and the more he had reference to constitutional authorities, the stronger was his objection to this part of the Bill; but he would content himself with stating the grounds upon which he should support the Amendment. He did so upon this plain principle, that in the year 1848, and in the present state of education and feeling of the people, it was his firm belief that they could never be persuaded to believe that there was no difference between written and spoken words. He did not mean to impeach the accuracy of the reports; on the contrary, his experience of the ability of shorthand writers convinced him of their marvellous accuracy, giving, in fact, everything of the speaker, save his tone and manner. But the difference was inherent in the nature of the two things. He proposed that the three principal offences enumerated in the Bill as acts of sedition, which were to be henceforth made felony, should still be called misdemeanours, and not felony; but they should be visited with additional punishment, and not to be made bailable.

Sir F. THESIGER begged to correct an error into which the hon. but not the learned Member for Pontefract (Mr. M. Milnes) had fallen, in stating, that language had been attributed to Mr. Justice Foster by his hon. and learned Friend the Attorney General which was not his language, but which was, in fact, the language of Sir F. Pollock. It might have been convenient before the hon. Member for Pontefract had made that statement to the Committee, that he should have looked to the works of Mr. Justice Foster to see if it were well founded; and, as his hon. Friend might have some curiosity to ascertain whether his statement was correct or not, he would take the liberty of referring him to page 200, of Foster's *Crown Law*, and his hon. Friend would find, that the words cited by his hon. and learned Friend the Attorney General were literally contained in that work, in the manner in which his hon. and learned Friend had stated. Now he would turn to a mistake of more gravity and importance, for it was the mistake of the hon. and learned Member for Pontefract (Mr. Martin). As the basis of his argument, the hon. and learned Member for Pontefract had stated the effect of this clause to be, that for the very first time it was proposed to make persons indictable as felons for words spoken. Now, he would venture to say, with all deference for the opinion of his hon. and learned Friend, that was nothing like the effect of the clause. The indictment under that clause would not be for words spoken, but the indictment would be for compassing and imagining. If he were in error, he was sure his hon. and learned Friend would correct him; but as he (Sir F. Thesiger) read the clause, most unquestionably an indictment framed under that clause must be an indictment for compassing and imagining the different objects which are there specified; and an indictment properly framed under that clause should then go on to state either that there was something published, or something spoken openly and advisedly, which would be the proof of an overt act for the compassing and imagining which would be charged upon the indictment. Now the words "compassing and imagining" are words that are familiar and intelligible, though they might not so appear to the hon. Gentleman the Member for Montrose, who only understood when it was convenient for him to understand. If the hon. Member for Montrose would have the kindness to turn to the debates which took place in 1796, upon the introduction of the Act 36 Geo. III., he would find that Lord Erskine, then Mr. Erskine, no mean authority on the subject, had said, that the words "compassing and imagining" were words that were as clearly understood and intelligible as any words in the law; and he would tell the hon. Member what he believed to be the meaning of these words. They meant a settled, formed, deliberate design and intention, which were to be manifested and proved by some overt act. Therefore the clause in question would require an indictment, not for the words spoken—as his hon. and learned Friend the Member for Pontefract supposed—charging that as a felony, but charging the compassing and imagining the different objects which were there specified, and stating that treasonable and seditious words were used. He did not think it would be necessary to put in the indictment the very words that were used; but it would be necessary to prove the words as an overt act, showing the intention of the parties. His hon. and learned Friend had said they could not trust to the memory of persons, and that it was dangerous to have a provision of this kind, which applied to words spoken. Why, if there be any authority for the work of Mr. Justice Foster, which was cited by his hon. and learned Friend the Attorney General, he (Sir F. Thesiger) would take it, that words which led to any acts or designs might amount to treason; that where words of advice, of persuasion, or of encouragement were used, or words of consultation for the purpose of accomplishing treasonable objects, that, according to his notion of the law, amounted unquestionably to overt acts of treason. Therefore, the very same objection would apply to the proof of those words as overt acts as that which his hon. and learned Friend brought against this clause, in the more mitigated character in which the parties offending are to stand. He apprehended that in every case the question would arise from the circumstances under which the words were spoken. It was not every idle, hasty, or intemperate expression (no matter what number of persons were assembled), which would render persons amenable to the effects of the clause; the question must be decided according to the circumstances of each particular case; and he (Sir F. Thesiger), for one, felt that confidence in juries which his hon. and learned Friend did not seem to entertain, and which led him to believe that a man might feel perfectly secure in trusting himself to a jury when he was charged merely with the use of intemperate language, and where there was no proof of any deliberate intention or design to accomplish the objects stated in that clause. He must confess he very much regretted that it was the intention of the Government to give way upon this occasion, and to make that which he certainly wished should be a permanent measure, merely a temporary one for a limited time which was not with certainty specified. Let them see the condition in which they were placed. The 56th Geo. III. did not apply to Ireland. It was made perpetual by 57 Geo. III., under circumstances in which he conceived the Legislature in its wisdom thought it necessary that that temporary measure should be converted into a permanent one; circumstances had occurred, to which it was unnecessary for him to do more than to allude, which not only had called upon the Government to apply this measure to Ireland in a mitigated form, but also to introduce a provision into it which might meet the peculiar emergencies of the times, and enable them to reach those persons who, with the power of inflaming the minds of their deluded followers, assembled together large masses of the people to make seditious and inflammatory speeches to them. It was absolutely necessary that some law should be introduced for the purpose of preventing such proceedings. The Government in its wisdom had deliberated on the subject, and it had decided that a law should be introduced with this peculiar provision to meet the exigencies of the case. It had also considered it was necessary that that law should correspond with the 57th Geo. III., and should be made perpetual. The Bill was introduced to the House by the right hon. Gentleman the Secretary of State for the Home Department with this clause in it, and without any intimation at all that it was the intention of the Government to make this most important provision merely a temporary expedient. But opposition was offered to the provision, great resistance was made to it; and he (Sir F. Thesiger) deeply regretted to think that the Government had yielded. It appeared to him that they destroyed all the vigour of this Bill by reducing this provision and qualifying it in this manner. He could not sit down without expressing his regret that this course should have been pursued by the Government. He acknowledged that he did not now feel the strong interest that he did in the carrying of this measure. He thought it was one which should not only be useful, but permanently useful; and he regretted the Government had thought proper to make the alteration to which he referred.

Mr. HUME begged permission to make one observation, as the hon. and learned Gentleman (Sir F. Thesiger) had mentioned his name. The hon. and learned Gentleman had given them the legal interpretation of the word "imagining;" but when he (Mr. Hume) looked to *Johnson's Dictionary*, which was his authority, he found the meaning given for "imagination" was "fancy."

The ATTORNEY GENERAL would suggest that for the purpose of ascertaining the meaning of legal words, the hon. Member for Montrose had better look to Blackstone. He (the Attorney General) begged to refer him to that authority, where he would see what was the meaning given of the words "compassing and imagining the death of the king."

Mr. W. P. WOOD would not have risen to address the House, had it not been from a fear on his part that some portion of the observations which were made by the hon. and learned Gentleman the Attorney General, and the hon. and learned Gentleman the late Attorney General, might create a misunderstanding which, would be deeply to be deplored in legislating on such a question as that now before them. He should be far from attempting to correct either of the hon. and learned Gentlemen in their statement of the law; but he desired to add to it such supplementary observations as would enable the House to understand the state of the law. However, so far as they went, he should not contradict the statements of the hon. and learned Gentlemen. He begged to call attention to the fact, that any words spoken of the seditious character described in this Bill, would be a high misdemeanour, punishable by law, without any new measure on the subject. That punishment would be very severe—imprisonment without any very defined rule as to duration, and fine without any defined rule as to the amount. Their attention had been called to the opinion of Mr. Justice Foster, with respect to which the hon. Member for Pontefract (Mr. M. Milnes) had been a little misled by the inverted commas of a quotation not being carried far enough. It appeared, however, from that authority, that to constitute the offence, the words of advice or persuasion should be used for a traitorous purpose, and intended to aid in the prosecution of it. They could not get at the full meaning of Mr. Justice Foster, without studying that chapter; but the Attorney General had the book before him, and he (Mr. Wood) could from memory assert, that Mr. Justice Foster concurred with Lord Coke and Judge Hale in a positive opinion that words alone were not an overt act; and, therefore, he heard with surprise Mr. Justice Foster quoted as an authority, that words alone could constitute treason. It was said by the hon. and learned Gentleman the Attorney General of the late Government, that the indictment would not be for words; but the indictment would be (and he was perfectly correct) for compassing and imagining those different acts. That would be the indictment, and the words would only be the manifestation of it. The words, no doubt, would be in the indictment as manifestation of the traitorous act of "compassing and imagining;" for how could it be punished without being manifested? The "compassing and imagining" must be rendered capable of trial by human jurisdiction; for, as Sir M. Hale had truly said, God, and God alone, could punish the "compassing and imagining," without proof of the acts. He thought, that in the course of this discussion a most remarkable proof was given of the difficulty of relying upon spoken words. He referred to the misrepresentations they had heard of the admirable argument of his hon. and learned Friend the Member for Pontefract (Mr. Martin). That hon. and learned Gentleman did not say he distrusted juries. On the contrary, he remembered his hon. and learned Friend had said that he had the highest faith in juries; but he said, also, that he mistrusted juries in a moment of excitement. He thought the phrase was "panic-stricken juries." He was not, perhaps, inclined to follow the precise words his hon. and learned Friend had used, for instead of having panic-stricken juries, his apprehension was, that the danger would be of a different description. On Monday last they had witnessed no proof of panic; but they had witnessed a noble indignation. There was no alarm exhibited by any person, but there was displayed a feeling of indignation at the conduct of those who would create disturbance. But they should guard themselves against that nobler feeling no less than against the more dastardly feeling fo fear. A moment of excitement, whether arising from fear or indignation, was not the best time for a jury to deliberate on its verdict. Nay more, it was not the fittest moment for the House of Commons to legislate on the subject. They ought to be careful how far they proceeded to alter the law, and how far they created a sympathy in a wrong direction. Several hon. Gentlemen had said to him, how was it possible he could feel sympathy for those individuals? Of course he had no sympathy for the persons who had uttered such wretched and ferocious stuff as was uttered in this country and in Ireland. He showed he had no sympathy for such men by recording his vote against any measure being taken in favour of a dastard of that description, Frost, who having urged numbers of his countrymen into rebellion, was one of the first to fly; but there were several Members of the House who seemed to sympathise even with that individual, and this showed the danger of inflicting equally severe punishments on a minor political offence. He (Mr. Wood) was thoroughly rejoiced the measure was confined to a limited period; and so far from regretting, as the hon. and learned Gentleman the late Attorney General did, that the Government conceded this point, he was rejoiced at it. He hoped, before the expiration of two years, the cause of this state of things would be put an end to. He trusted by that period the Chartists would be rallied round the constitution, by the extension of the franchise and other reforms, and thus their time would be occupied in elections, and similar business. Quackery had been a term applied by one hon. Member to our treatment of Ireland. He trusted, that the disease and not the symptoms would soon be treated; and he was glad that as a blister was about to be applied to the present symptoms, it at least was not to be a perpetual one.

Mr. MAURICE O'CONNELL had no faith in the alterations proposed by the noble Lord. He would appeal to the recollection of every Irish Member, as to what had been the conduct of the Government of this country in the case of every Coercion Bill which had been introduced. Such Bill was always introduced for a limited period; but it always happened that five or six months before its expiration, a continuation Act was brought in for a further period. So they went on. What dependence also could be placed upon the conduct of a Dublin jury in political matters?

Mr. GROGAN protested against the observation of the hon. Member for Tralee as to the Dublin juries. It was particularly ill-timed, at a period when political libels were about to be tried in Dublin. If the hon. Gentleman felt so strongly on the subject, let him propose a clause enacting that those trials should take place in this country, and let him allege as the ground that he had no confidence in an Irish jury.

House resumed.

Sir G. GREY moved that the House should meet to-morrow at Twelve, to go on with the Bill.

Mr HUME objected, as many Committees were sitting, and it was not decent to proceed with such haste.

Mr. MOWATT moved that the debate be adjourned till Monday next. He did not wish to offer any factious opposition to the Bill. When a large majority decided that a measure was necessary, he was, on ordinary occasions, willing to give way; but this was an exception to the rule. When Her Majesty's Ministers brought the Bill forward, which was intended to give a fatal blow to the liberties of Ireland, they had before their eyes the bugbear of the Chartist meeting. There never had been an instance of such indecent haste in passing a Bill.

MR. FAGAN rose to address the House when the clock struck Six, and the Speaker left the chair.

HOUSE OF LORDS,

Thursday, April 13, 1848.

MINUTES.] *Took the Oaths.*—Several Lords.

PUBLIC BILLS.—1ª Registering Births, &c. (Scotland); Marriage (Scotland).

2ª Removal of Aliens.

Reported.—Mutiny; Marine Mutiny.

Received the Royal Assent.—Property Tax; Stamp Duties Assimilation; Administration of Oaths, Court of Chancery.

PETITIONS PRESENTED. From Northiam, against the Admission of Jews into Parliament.—From the Incumbents of several Parishes in London, for the Enactment of Sanitary Measures.—From the Magistracy of the Royal Burgh of Forres, for an Alteration of the Stamp Duties (Scotland).—From Aberdeen, and a number of other Places, for Exemption of Charitable Bequests from Legacy Duty.—From the Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for an Extension of the Provisions of the Benefit Societies Act to that Order.

THE JESUITS.

LORD REDESDALE wished to ask a question of Her Majesty's Government relative to a particular class of persons—he meant the members of the Society of Jesus, who, being expelled from most of the countries of Europe, were understood to be coming to reside in large numbers in this country, and whose presence in any country could not, he thought, be matter of indifference to the Government of that country. But there were circumstances connected with them, which he thought deserved peculiar attention at the present moment. That order, their Lordships knew, was one which had been viewed with great jealousy from the earliest period of its existence. Not many years after its establishment it was either put down or expelled from almost every country in Europe. Even the Head of the Catholic Church had abolished the order in 1773. It had been restored again, however, by the Pope in 1814, and already it had contrived to render itself generally odious throughout Christendom. With respect to the proceedings of the order in this country, it was, from the nature of their workings, difficult to acquire accurate information as to what its members were doing. At the same time, there was a newspaper (the *Tablet*) which was notoriously connected with that order, and which might help to throw some light upon their proceedings. With that view he would trouble their Lordships with two or three short extracts from an article which appeared in that paper on Saturday week (April 1):—

> "If armed resistance were prudent, in our opinion we should advocate it with all our might—nay, if armed resistance be now resorted to, if insurrection be commenced, if the people and the Government be thrown into collision, we pray God, with every faculty of our souls, that the people may triumph, and the English Government be defeated."

The writer talked next of "the great imprudence of rebellion," and said:—

> "What makes us regret the present aspect of affairs the more deeply is, that the danger to Ireland arises in great part from the present threat of explosion being premature. In the present state of Europe it is impossible not to see that, at no distant period, England, not improbably, will be so far complicated in her external relations as almost to offer a premium on rebellion in Ireland—to offer, at least, a most irresistible temptation to it. This complication, as it seems to us, was worth waiting for. Deliberately to select the least favourable moment for insurrection seems to us little less than deliberate treason against the common cause. It would have been an abandonment of our duty not to raise our voice against what we think the fatal course into which the Catholic portion of Ireland seems about to precipitate itself."

Now, it was quite notorious that the Repeal agitation in Ireland was almost entirely confined to the Roman Catholic portion of the population. And though he might be asked "What possible influence can the Jesuits have in this country?" to this he could reply, that no one who knew the influence which the Roman Catholic clergy had over the people of that communion could say that the influence of the Jesuits was a matter of no concern in the present state of the country; and he thought the subject deserved the serious attention of the Government. Under the Emancipation Act it was provided that all Jesuits residing in this country were bound to have a license from the Government. Now, he wished to know whether any and what number of applications had been made for such licenses; and with this view he begged to move for a return of all applications made by the Jesuits since the commencement of the present year for licenses to come and reside in the United Kingdom, according to the provisions of the 10th of George IV., entitled "An Act for the Relief of His Majesty's Roman Catholic Subjects;" and the number of licenses which had been applied for under that Act.

The Marquess of LANSDOWNE said, that not being himself aware whether or not there had been applications for licenses on the part of the Jesuits to reside in this country, he had thought it right to ascertain the fact at the Home Office; and upon inquiry there he had found that, although it was undoubtedly true that all Jesuits coming to reside in this country were required by law to apply for licenses, yet, in point of fact, ever since the passing of the Emancipation Act, and under the various Governments which had existed since that period, there had been no one instance, so far as he could ascertain, of any such license being applied for. Certainly as far as the Government was concerned, they had no official knowledge of the existence of any such body in this country.

Lord BEAUMONT wished to be allowed to say a few words on this subject. He agreed with the noble Lord opposite (Lord Redesdale), that in the actual state of Europe and altered relations of Christian Governments, it would be for the benefit of the world at large if the Society of Jesus did not exist. Its principles were not in accordance with the present social condition of civilised nations, while its system of education was hostile to the spirit of scientific inquiry and intellectual freedom which characterised the learning of the age. He said this although he had passed many years in one of their establishments, and entertained a personal regard for many of its members. But at the same time he thought that there was great inconsistency in what had fallen from the noble Lord. That noble Lord seemed to think that there was some connexion between the order of Jesuits and the present disturbed state of Ireland. He fancied that they will abet attempts at violent changes, promote mob influence, and support Radical principles, and ought in consequence to be excluded from England as they had been excluded from the Continent. Now, the reason why the Jesuits had been expelled from all the Catholic countries of Europe, was not their tendency to innovation, not their joining in rebellion and in support of liberal and popular measures, but the reason was, that they were too conservative, too much devoted to old and existing institutions, and too attached to the aristocratic classes of the countries in which they lived—a reason which was exactly the opposite of that for which the noble Lord wished to see them expelled from this country. The noble Lord might have placed his objection to the Jesuits on a more plausible footing. He might have said, that there were large numbers of that order in this country, as undoubtedly there were, who had never applied to be registered, and he might have raised an objection to their residing in this country without complying with the law of this country. Registration of members of religious orders was a useless form, but still it was one of the conditions on which Catholic Emancipation was passed. But the noble Lord was also in error on another point. He was mistaken in supposing that the paper to which he had alluded was the organ of the Jesuits—it was, certainly one of the most intolerant, coarse, and disgusting productions of the day, but in no way whatever connected with the Jesuits. That paper was, he understood, the property of a Quaker who had turned Catholic, and who had adopted the line of writing which he thought would procure for his paper the largest circulation. Hence the adoption of the inflammatory, abusive, and disgraceful style of the articles with which he filled his pages week after week, because they seemed to please a large party in Ireland. It was a sordid speculation; and he assured the House that it was strongly condemned by a large portion of the Roman Catholic body in this country, including, he believed, Dr. Wiseman himself. The Jesuits, he repeated, were in no way connected with that paper, nor any way answerable for the vulgar tirades and incorrect statements which figured in it. With respect to that body, he begged to add that they were certainly placed in a most peculiar position. Having been expelled from all the Catholic countries in Europe, they could find no land in this quarter of the globe, on which to rest their weary feet, except Turkey and England and their dependencies. The noble Marquess might say that he wishes they had selected the dominions of the Sultan; but they had such an opinion of the hospitality of this country that they undoubtedly preferred to come to England; and, so long as they did no overt act contrary to the laws of this country, he should be sorry to see any measure adopted to expel them, or to refuse them that hospitality which we rightly and wisely extended to other persons in misfortune. He hoped that he should never see adopted in this country the principle of judging those who were driven to our shores by their acts in foreign countries, instead of by their acts in this country. There was a Bill which they were about to discuss, the principle of which he entirely objected to. It gave a power to banish foreigners, on the ground that their antecedents made them suspicious characters, and thus rendered them liable to punishment before they had offended against the law. It was a principle which he would not entrust to any Government. He had no objection to adopt any measure they chose to put down insurrection in this country, or to punish foreigners who joined in any such movements; but he should not like to put a power into the hands of the Secretary of State which he could use at the dictation of a foreign Power, for foreign purposes. A Minister might from diplomatic motives, and in consequence of diplomatic correspondence, drive persons from our shores who, however obnoxious in another country, had done nothing to violate our laws or offend our institutions. If he might judge from what he saw around him—if he merely looked to what was self-apparent, he would say that there never had been a moment, so far as England was concerned, when there was less necessity for such a Bill than at present, for supposing that there were some thousand persons who had come over here, neither from curiosity nor to seek hospitality, who entertained revolutionary opinions, and were imbued with republican sentiments, it was evident from what had been seen of the spirit of Englishmen of all classes, that they would not be assisted in their objects one way or another by any foreign party. If anything of the kind had been attempted, it had been a failure. Even the Chartists themselves had refused all connexion with them, and in no case would they find any attempt made by any party in this country to avail themselves of offers of foreign aid. It was possible that the Government had looked only to what was taking place in other countries. The events that had occurred in France would have been sufficient to excite alarm, if they had not certain proofs at home of the extent to which the spirit of nationality prevailed in the country. In France bodies of men had been organised in the public streets, and forwarded to the frontiers for the express purpose of revolutionising Belgium and Germany. These lawless attempts had been defeated; but they were nevertheless sufficient to justify neighbouring countries in taking strong measures to prevent the entrance of parties who were plotting against their peace. It might be possible that the disturbances in the north of Italy, of which his noble Friend (Lord Brougham) had spoken on Tuesday, and from which the noble Lord seemed to apprehend a European war, might have induced the Government to introduce this measure. He would beg to say a few words on that subject. [A Noble LORD: There is no question before the House.] He certainly understood that his noble Friend had moved for the production of papers.

LORD REDESDALE said, that as the noble Marquess had explained that there were no returns, he had no intention of pressing his Motion.

LORD BEAUMONT said, that he should in that case not trespass further on the House at present.

Motion withdrawn.

REMOVAL OF ALIENS BILL.

The MARQUESS of LANSDOWNE, in moving the Second Reading of this Bill, said, that he had stated on Tuesday last the motives which had led Her Majesty's Government to submit such a measure to the consideration of Parliament; and he would take that opportunity of remarking that, although he had listened to the speech of his noble Friend behind him (Lord Beaumont) with the utmost attention, yet his noble Friend had not shaken the opinion which he had formed of the necessity of the measure; and indeed he hardly collected from his noble Friend that he himself thought that the measure was wrong, for he seemed to admit that there might be circumstances that, for a limited time, and during the existence of these circumstances, would justify the Government in not affording unrestricted hospitality to all foreigners coming into this country. The noble Lord would admit that there might be exceptionable cases, and it was on that very principle that this Bill was founded. There were no means of ascertaining the exact number of persons that came into this country through the various channels that were in existence; still less to discriminate between the cases of those who came here from motives the most legitimate, and who might have been driven through distress and difficulties, out of their own countries, and those who came here with hostile intentions to the peace of this country; the application of any general rule was impracticable; and he thought that the object which was in view would be sufficiently gained by proposing a Bill conferring certain powers to be exercised by Her Majesty's Government on their responsibility. There had been a very great increase in the number of foreigners resident in every part of the United Kingdom; and the Government ought to know what portion of them had come to this country with the desire of taking part in any internal dissensions which might arise. He was convinced that for a time it was necessary that such a power as that conferred by the Bill should be somewhere lodged, not, undoubtedly, to be exercised capriciously against those who had apparently sought protection in this country—to be exercised, not with reference to their conduct elsewhere, but with reference to their conduct here. Under present circumstances it was necessary that power should be given to debar those persons from the power of abusing the hospitality they received, and endeavouring to excite throughout Her Majesty's dominions distrust of the Government of the United Kingdom—to provoke intimidation, or effect alterations in that Government. Although the results of the past Monday were sufficient to show that there was no necessity for such a measure, and no danger to be apprehended in this metropolis, he was not at all prepared to say that, although the result of that day's proceedings had shown the loyalty of the people, and their desire for the maintenance of the Crown and constitution of the realm, there might not be in some parts of the United Kingdom a disposition on the part of some persons to seek that foreign assistance, which, although not obtained, might, if obtained in any manner, add to the mischiefs of civil disturbance and civil war. And no one knew better than his noble Friend (the Earl of Clarendon), who watched the events of the day in the sister country, that many weeks had not elapsed since the most strong and irrefragable proofs had been afforded of an anxiety to obtain that assistance which those persons now say they do not seek. ["Hear, hear!"] Ay, proofs that they sought and endeavoured to import that foreign aid into this country. And when there was evidence of such a disposition being evinced to introduce that assistance, be the amount of danger what it might, it was the duty of the Government, with the assistance of Parliament, to guard against it. He therefore, with that view, begged to lay upon their Lordships' table a Bill, which was not intended to be permanent; it was intended to last for one year only; but by its means his noble Friend would be able to afford the country some security against such practices. His Lordship then went through the several provisions of the Bill. He concluded by saying, that the discretionary power of acting under the provisions of the Bill would be vested in the hands of his right hon. Friend the Secretary for the Home Department (Sir George Grey), in whom the greatest confidence could be placed; and his discretion would be subject to the great control of publicity to which his acts would be submitted in the exercise of it.

The Earl of ELLENBOROUGH was perfectly disposed to agree to the second reading of the Bill. It was not too strong for the circumstances of the case. Looking at its provisions, he could not help remarking, that one of the greatest benefits which could be conferred on this country would be the burning of every copy of *Hansard* in existence, so as to prevent one party from referring to what they had said, and another from taunting them with former declarations. The present circumstances of the country were more grave than they had been on any former occasion. The Bill was not stringent enough. Under the Registration Act of 1830, the noble Marquess admitted that he was not able to tell how many aliens had landed in this country. The Act was then inoperative; its provisions were not sufficiently stringent to compel aliens to give their names and addresses, and to state the business which had brought them here. It was, indeed, provided that aliens should produce their passports and sign declarations setting forth their business, &c. But what was the alternative? A fine of 40*s.* And how was the fine to be inflicted, when the alien had only to jump into a railway carriage and go to the interior of the country at once? But there would be no means of executing this measure, unless the most stringent provisions were introduced in reference to passports and registration. Under the last Alien Act, the arms of aliens might be seized—aliens might be directed to land at particular places—passports might be refused—aliens might be committed, and magistrates might require production of passports. What the noble Lord proposed was but a fractional part of that Act. The Bill would be utterly inoperative. He believed the danger from aliens was much greater now than at any former time, although the French Republican Revolution had been accompanied with so little of that which excited horror in the minds of all on former occasions. There had been none of those calamities and dreadful bloodshed the contemplation of which on the occurrence of the first French revolution made people shudder. That had not yet come, though there had been ruin gradually operating through the folly of the rulers. The change had taken the form of successful resistance to oppression, and hopes and sympathies were thereby excited which had no existence before. He had not the least doubt that the noble Marquess, though unable to ascertain the number of foreigners in this country, was nevertheless perfectly justified in bringing the Bill before the House; and he would give the Bill his support, though he certainly went far beyond the noble Marquess in the view he took of the measure, which was absolutely necessary to meet the dangers to which the country was exposed.

Earl GREY was quite prepared to admit that the provisions of the present Bill were not such as to secure a complete register of all the foreigners who came to this country; but he was afraid it was impossible to contrive any system by which such a registration could be made complete, and which, at the same time, would not interfere with the ordinary affairs of life, and the ordinary pursuits of persons who had no criminal intentions. He believed, however, that if information was obtained that any particular aliens were abusing the privilege of coming to this country, and were engaged in stirring up civil strife, the Bill now before the House would, if passed into a law, give the most complete power to the Government to remove from the country all who thus abused the hospitality which they received. He firmly believed it was impossible for any number of foreigners so to act, and to enter into combinations for any purpose hostile to the Government, without their intentions being clearly ascertained; and he was also of opinion that the regulations now proposed to be enforced would be quite sufficient to protect the country against danger from such quarters. He strongly deprecated, at the same time, the adoption of any system which, however much acted upon in foreign countries, would be calculated to interfere with the laws, and privileges, and usages, which we, in this country, were accustomed to observe.

Lord BEAUMONT did not consider that anything had occurred in Ireland or elsewhere to justify the introduction of an Alien Act, notwithstanding all that had been said about the empty boasting of two or three hairbrained individuals, who talked of 50,000 men coming over from a foreign country. It had been said, on a former evening, that the Lord Lieutenant of Ireland was in favour of such a Bill; and that circumstance he looked upon as the only good reason why the measure had been brought forward—a measure which, he was quite willing to admit, was by no means a very severe one; but though the opinion of the noble Earl at the head of the Irish Government commanded attention, he (Lord Beaumont) could not accede to the principle or acknowledge the necessity of this Bill. It gave the Secretary of State the power to deport a foreigner to please a foreign Government, instead of increasing the power to punish a foreigner who disturbed the peace in this country. We had not the same grounds of alarm as Continental Powers had; nor, in judging the conduct of foreign Governments, should we be unmindful of the difference of circumstances. He must say he deeply regretted that their Lordships had been called upon to listen to a speech delivered a few evenings ago by a noble and learned Lord opposite (Lord Brougham). At a moment when such extraordinary changes had taken place all over Europe, and when kingdoms were everywhere shaking to their centre, he regretted extremely that in their Lordships' House anything like a personal attack should have been made on any of those potentates who, in the present state of affairs, had been obliged to come forward and act a part in the politics of Europe. He regretted that the dead pages of history should have been dragged forth to enable the noble and learned Lord to produce a greater effect in the picturesque and exaggerated picture he drew of the character and motives of those who were now acting their part on the Continent of Europe. He contended that that noble and learned Lord was not justified in the attacks he had made either upon the Pope or the King of Sardinia; and he must say that in making that attack he seemed to have forgotten all that had passed within these few years, and never to have taken into consideration the great changes which had occurred in the circumstances and position of the different States of Europe since the Treaty of Vienna was framed. He appeared to have entirely forgotten the acts of that Power he so much lauded, and whose most energetic efforts were always put forth to trample down without remorse the free States around it. Again and again, during the last twenty years, had Austria passed her frontiers and invaded the neighbouring States, pulling down and setting up Governments as she pleased. In 1831 she crushed the rising liberties of the Roman legations; at an earlier period she occupied Naples; her troops had held Parma and Modena in spite of their wishes; and the treaties which declared the independence of the Italian States had always been waste paper in the eyes of Austria. When the Pope gave to his people a Council of State, an amnesty for all those who had long been exiled from their country, and displayed a disposition to grant other privileges, the Austrian Government, misinterpreting the Treaty of Vienna, seized upon Ferrara in a way that involved a direct infringement upon the rights of the Roman State. Not yielding, however, to the threats of Austria, the Pope pursued his own course, and his example was followed by the other States of Italy, who now adopted a policy which they never had dared to take before, from the great dread they had of the Austrian Power. While the Italian States were in this position—when they had partially obtained free institutions, and merely asked that their independence should be secured from interference on the part of Austria, a revolution took place at Milan. The consequence of that revolution was to break up the Austrian empire in Italy. She no longer possessed the power of retaining Lombardy. The people of that country rose as one man, and threw off the yoke which had so long oppressed them. Radetsky withdrew his forces from the capital—a Provisional Government was installed; but though success crowned the first movement, the Milanese could not trust to their own unaided exertions for the permanent liberation of their country from Austrian dominion. They looked to France, and France would have been only too ready to answer the appeal. If the Piedmontese had been indifferent to the fate of their neighbours, and Austria had rallied her forces and marched on Milan, that appeal would have been made, and then would have commenced a war which would soon have involved the whole of Europe. In these circumstances, when there was danger of interference on the part of France, the King of Sardinia had a right to look to the interests of his own State. It was naturally to be expected that war would arise on her frontier; and it was the undoubted privilege of a State, when war began on her frontier, to interfere on the side of one of the contending parties or the other, for her own protection. The Sardinian and Roman States foresaw the danger to which they were exposed. They saw the Milanese in actual and independent possession of their own country, with a Provisional Government regularly appointed, and acting independently of any foreign Power, and at that moment they interfered—and did so wisely, because they had only this choice—either so to interfere, or allow themselves to be endangered by a war between France and Austria. A regular Government, so far as circumstances would admit, was established at Milan, and they saw it their duty to recognise that Government, just as we had recognised the Provisional Government of France. The Austrian Government in Italy extended no further than the plot of ground their troops occupied. The authorities had abandoned or been driven from every town and village in Lombardy. The belligerents were not a revolted people fighting against their Government, but two independent nations struggling for dominion. One of those nations applied to Sardinia for assistance, because they had a common interest in preventing the Austrians from occupying the north of Italy. Sardinia could not, without injury to herself, remain neutral, and in self-defence she marched to the assistance of the Milanese. Sardinia in fact recognised the Government of Milan as an independent Government, and at the same time that she recognised the independence of the country, she gave it the aid of her arms. Was that anything like the condition of things which had been represented to the House the other night, when the King of Sardinia was spoken of as if he had, in the dead of the night and in perfect stillness, passed, in a hostile manner, the frontier of a neighbouring Power with whom he was on terms of amity and friendship? It could not be denied that Austria had received only retributive justice; she had trampled down freedom again and again in Italy. Her policy had done all in its power to perpetuate the disgraceful misgovernment of the Papal States; her influence had dictated that tyranny which drove thousands into exile, and crowded the prisons to suffocation. It was Austria who set the example of interference; it was Austria, in fact, who first invaded the independence of the Italian Powers laid waste neighbouring States, and broke through all the restraints of the Treaty of Vienna. But that Power was now shivering to atoms—it was crumbling to pieces; and, while that was the case, had not the Pope and the King of Sardinia a right to look to what was most dear to them—the interests of their own people, and to act accordingly? He was aware that he could scarcely connect this subject with the Alien Bill. He had intruded, perhaps, at too great length; but, having done it, he hoped he should be forgiven by the House.

Lord BROUGHAM said, that his noble Friend seemed to be well satisfied that he had done, and, perhaps, their Lordships would be also equally satisfied that he had done. Whether the Sovereigns of Italy would be equally glad, when they heard the result of the defence which his noble Friend had offered on their behalf, might perhaps admit of question. His noble Friend had made, no doubt, a most eloquent speech; but if he (Lord Brougham) might use such a figure, it was a most singular specimen of dislocation. His noble Friend, after letting the proper occasion pass without saying a word, had contrived to discuss, on the second reading of an Alien Bill, the affairs of Tuscany, Lombardy, Sardinia, and the Ecclesiastical States. There was an old saying, that it was a good thing to leave well alone; but another saying was equally deserving of attention, namely, that it was no bad thing to leave ill alone, for fear of making bad worse. If the Holy Father was as infallible in temporal as he was in spiritual matters, he would not thank his noble Friend for the manner in which he had taken up the cause of his Holiness. He believed, also, that the King of Sardinia would participate in the sentiments of the Pope on this subject. His noble Friend said that he (Lord Brougham) had no notion, when he attacked those princes, of the circumstances of compulsion under which they had acted, and that he ought to have recollected what had instigated the King of Sardinia to pursue the course which he had followed, and what had compelled the Pope to act as he had done. He (Lord Brougham) did not state what had induced those Sovereigns to take the steps on which he had animadverted, out of respect to them; but there was no doubt that, as far as the King of Sardinia was concerned, he was actuated by two motives: the one, to avoid danger from the side of his Genoese subjects who abhorred his yoke; the other, to make himself King of the North of Italy. With regard to the Pope, he attributed what his Holiness had done, in the first place, to a vain and mischievous love of popularity, and next, to the fear of a Roman mob; which was the basest and most pernicious of all motives that could sway a sovereign ruler. If there was anything that could draw down the scorn and almost the execration of mankind on those who were entrusted with temporal power, it was their not daring to do their duty from a fear of popular censure. The whole history of Europe, for the last half century and upwards, bore testimony to the evils which had resulted from the truckling of Sovereigns to the mob; and he was, therefore, in consequence of his noble Friend's statement regarding the compulsion under which the Pontiff acted, compelled to rank the Pope of Rome among those Sovereigns who had thus betrayed the most sacred duties of their great office. As to the King of Sardinia, it was no fault of his that he did not reign over the Milanese. He had obtained his own consent; but, in the first place, Marshal Radetski was before him with an Austrian army. The King of Sardinia had to fight Radetski—a thing not very much in accordance with what the French called the "antecedents" of Charles Albert. He might advance, no doubt, and engage the Marshal's army; but if the movement called a retreat were in question, he (Lord Brougham) should have the most undoubting and unhesitating confidence in the capacity of Charles Albert—not for fighting battle after battle, to protect his rear, but for making as quick a movement as possible out of the way. One of these two operations, either of advancing and beating Marshal Radetski, or of retreating and letting Radetski beat him, the King of Sardinia must execute before he could get possession of the Milanese. Although he (Lord Brougham) had originally been opposed to the Treaty of Vienna, yet after it had been in force for 33 years, and had become, as it were, the statute law of Europe, it must involve the greatest possible peril to move a single stone of that fabric. If, indeed, he could see, without danger to the peace of Europe, Italy safe from the Austrian yoke, and particularly if such a result could be brought about by a treaty between the Milanese and their Sovereign no man in Italy, or at any rate no man on this side of the Alps, would more heartily rejoice than himself. With respect, however, to the occupation of Ferrara by Austria, it was a great mistake to suppose that she had not a perfect right to do as she had done; and it was the ill-advised interference of the Pope which had been the source of all the ill feeling which had been engendered by that proceeding. The Austrians had as much right, by the Treaty of Vienna, to hold the fortress of Ferrara, as the Pope had to occupy the castle of St. Angelo at Rome. He closed this topic with expressing a hope that his noble Friend would receive absolution from the Pope for the mischief which he had done to his cause; and from the merciful disposition of the Holy Father, he had no doubt he would receive it. He might be permitted to say a few words on another topic. In consequence of what he had said, or rather had been represented to have said, the other night—for if he really had used the language attributed to him, it did not convey his meaning—he had received a communication from a friend of his, a French gentleman, complaining of the harsh language which he was said to have used towards M. Lamartine, in consequence of the reception given to the Irish deputation by that gentleman. If it was so, the error had arisen from the misapprehension of the terms which he had used, or the confusion of his expressions. He had said nothing disparaging of M. Lamartine. On the contrary, he had spoken highly of that gentleman; but he had said, the best thing that he could have done would have been to have asked those gentlemen whether they came to him with the sanction of the British Embassy. Such a course as that pursued by M. Lamartine would not have been followed by his (Lord Brougham's) friends, Messrs. Molé, Guizot, or Thiers; but there was now another state of things, and M. Lamartine was in the hands of a power behind the republican Throne, greater than that exercised by the Throne itself. He had never intended to offer a word of disrespect to that eminent individual. If he was compelled to give an answer, it was impossible for him to have given a better one than he did, for it was a complete rebuff and rebuke; but still he (Lord Brougham) held that the best course would have been not to receive Irish traitors at all.

The Earl of GRANVILLE wished only to make one observation. They were in a discussion on the Alien Act, but they had got into a subject quite alien to it. What he rose to say was, that he hoped that it would not be supposed that the noble and learned Lord had expressed the unanimous feelings of the Protestant Peers as to the conduct of the Pope. In the worst governed country in Italy he had adopted many improvements, and given a constitution to his people; and it was not to be supposed, either at home or abroad, that, in doing so, he was solely influenced by a disgraceful and ill-considered love of popularity.

Lord STANLEY said, that at the same time that he gave his hearty and cordial support to the principle of this Bill, he most entirely concurred with his noble Friend behind him (the Earl of Ellenborough) in thinking, not only that Her Majesty's Government had not erred from overhaste, but that they had been overslow in the introduction of this and other measures, and also that the measure itself was not likely to prove so efficient as it might have been made. His noble Friend had pointed out that if the provisions of the Registration Act had not been and could not be strictly complied with, it was impossible that this Bill could be worked efficiently; and no answer whatever had been given to the observations of his noble Friend by the noble Earl who succeeded him on the part of the Crown. The noble Earl admitted that these provisions did not enable the Government to exercise an efficient control over aliens; but he said that anything which would give such a control would be of so vexatious a character, and would so interfere with privacy and domestic comfort, and the ordinary business of foreigners visiting this country, that he hoped the House would not sanction such an interference. But this Bill was avowedly an interference with the principle of the British constitution, because he held the principle of that constitution to be the giving the utmost freedom that could be given, not only to our own subjects, but to refugees from other countries. It was an interference with the rights of hospitality, and therefore the Government had properly made it a temporary measure. But then it must be recollected that the measure was deemed necessary for the safety of the country, and the preservation of the peace of the realm, as well as of the lives of the citizens who might be misled by the intrigues of foreigners; and these were circumstances which might well justify an interference with private comfort, and quite set aside the reasons given by the noble Earl. One of two things ought to be done: either the Government ought not to interfere with the existing law, or if they did interfere, they should take care to interfere to a sufficient extent to effect their object. He said just now that the Government were justly chargeable with delay in bringing forward this as well as other measures. He said so, because he believed that long and long ago public opinion went before the Government in these respects, and because at the moment when these measures were introduced, they were approaching a period of the Session when it was usual to separate for the Easter recess, and therefore the House of Lords and the House of Commons would not have the power, because they would not have time, of duly considering the details of the Bills in question. The present Bill was of a temporary nature, but, nevertheless, the details of this measure deserved a most careful examination of the existing state of the law, and of the practical working of the Bill itself. Their Lordships would probably also receive another Bill in a few days, and be asked to suspend the Standing Orders of the House, under an intimation that, unless they did so, an important measure for the peace of the country would be delayed, and that their Lordships would be responsible for that delay. The Bill to which he now alluded was not a temporary measure, but, on the contrary, was a great and permanent alteration in the law of treason and sedition in this country. Could there be a graver subject for mature deliberation? and had not their Lordships a right to complain that they should be called upon in two days to make a permanent alteration in the law of sedition and treason, or be responsible for the consequences of further delay? He contended that they were not responsible for those consequences, though he did not ask their Lordships to take upon themselves the shadow of responsibility by delaying any measure which, in the present state of the country, Her Majesty's Government might think necessary for the preservation of the public peace. But he said, looking at the state of affairs in this and the sister country, that Her Majesty's Government were responsible for not having brought forward these measures till within one week of the Easter recess. He had a right to complain of the delay on the part of Her Majesty's Government in bringing forward this and other measures, having for their object the preservation of the peace of the country, when they might have known for a certainty that they might have relied not merely upon the forbearance but upon the cordial co-operation of their political opponents; which would have enabled them to meet any opposition they might have had to encounter from their political friends. Although he believed this to be an inefficient measure, still he was willing to give it his support, because it might have a beneficial tendency, and because the Government considered it to be a power necessary to be vested in them for the preservation of the public peace. There was another subject on which he felt he had a further right to complain. He did not understand the policy of Her Majesty's Government with regard to Ireland. Considering the present state of Europe, and considering that it was necessary to resist a dangerous part of Her Majesty's subjects in that portion of the United Kingdom, who were confederated together, and had put forth an open declaration of their intentions, their hopes, their designs, and their expectations, he confessed he could not understand the conduct of the Government in Ireland, being content to stand by and see persons connected with those confederations inciting, advising, persuading—and successfully persuading—large bodies of their countrymen to take up, manufacture, and provide themselves with arms for the undisguised purpose of their being used in hostility to Her Majesty's Crown and Government. He did not understand a policy which, on the one hand, in the exercise of a particular power, checked the anxious desire on the part of a large portion of Her Majesty's loyal subjects to arm themselves for the purpose of maintaining law and order; while, on the other hand, it left another but a disloyal portion of the people, with perfect impunity, in the absolute and entire possession of arms of all descriptions; and, above all, left untouched and uninterrupted the open and undisguised manufacturing of a description of weapon which could be required for no legitimate purpose, but which, on the contrary, had been avowed to be intended for rebellious objects. He confessed he could not comprehend why the Irish Government should be content to see going on before their eyes, in every part of Ireland, the manufacture of pikes, to be used in hostility to the Government and the Sovereign of these realms. He might be inclined to join in the wish of his noble Friend (the Earl of Ellenborough) that the past pages of *Hansard* could be obliterated, for he could not but think that Her Majesty's Government had prepared the remedy which they most conscientiously believed to be necessary to meet the unsettled state of Ireland, upon considerations of what had been their conduct on former occasions, when they resisted, and successfully resisted, all measures restrictive of the right to carry arms in Ireland. For the first time—he would not say since the Union, but long before the Union—under the authority and by the direct intervention of the Government, all restrictions upon the right of carrying arms in Ireland had been taken off; they had been boastfully and ostentatiously taken off, and declarations had been made to the Irish people that they had a perfect right to carry arms, and that it would be an act of injustice on the part of any Government to interfere with that right. They had now before them evidence of the consequences resulting from the absence of those restrictions, and of the difficulties in which the Government of Ireland was placed by reason of the previous declarations made upon this subject by those now constituting that Government; and it was with regret that he saw a continuance of those evils, arising, as he firmly believed, from the apathy, or apparent apathy, of the Government in applying a remedy to that state of things. It might be said that these remarks had no strict reference to the Bill then before their Lordships; but when they were passing a measure restrictive of liberty, and founding the necessity of that measure upon the ground that it was required for the preservation of the peace of the country, he thought no subject could be foreign to a discussion of that nature, which had also for its object the preservation of the peace of the country, by depriving of the means of disturbing that peace those who were inclined to break it for certain purposes which they had in view. He regretted that the Government had not asked for larger powers, and he further regretted that they had not given effect to those measures, however inefficient, which had been passed during the present Session for preserving peace in Ireland. It was true certain districts had been proclaimed, arms had been called in, and some had been surrendered and some seized; but the number was inconsiderable in comparison with the arms possessed in those districts which had not been proclaimed. He looked with alarm and apprehension at what appeared to him to be a great and growing evil in Ireland. If they were to have—which God forbid!—an outbreak in that part of Her Majesty's dominions, it appeared to him an act of inconceivable and incomprehensible folly not only to make no preparation against such outbreak, but not even to take such measures as should insure, when that outbreak came, that the loyal portion of the population should be well armed, and the disaffected portion of the population ill armed; but that, on the contrary, the Government should give to the disaffected—of whose intentions that Government had full warning—power and time to procure arms, not even offering any discouragement to their manufacturing arms. With respect to the present measure, he should offer no opposition to it in Committee. He considered it ineffectual, but the responsibility would rest on Her Majesty's Government. But, considering that they were approaching the recess, before which they had not only to pass this Bill, but also another important measure, probably without discussion, he thought he should not have discharged his duty if he had not taken the opportunity of calling the attention of their Lordships and the country to a state of things which he considered fraught with present evil and future danger, and of expressing an earnest hope that no time would be lost before measures were taken for preventing the general arming with avowed hostile intentions which was now going on in Ireland.

Lord DENMAN thought Her Majesty's Government had a fair right to come down to Parliament and ask for powers for the purpose of extruding dangerous persons, aliens to this country, out of the kingdom. He (Lord Denman) did not pay much regard to the vapouring threats that had been uttered by certain individuals, whose monotonous ravings were hardly worth the notice of any reasonable man; but having seen applications made to Powers on the other side of the water which if left unchecked might lead to outbreaks here, and that these, though not successful, yet could not fail to be full of mischief and injury to personal safety and to the peace of the community, he considered the Government were perfectly justified in the course they were now pursuing. Still, he wished to see a code of regulations for aliens in the shape of a law, capable of being enforced at all times by the public tribunals; and he certainly could not see a Bill of this sort introduced without expressing his very great regret that it was found necessary to give to any Government a power of such enormous extent—a power which would enable any individual to ruin his enemy by secret information to the Secretary of State, if he should feel himself bound to act upon the information conveyed to him. The occasion, therefore, must be great indeed to induce him to assent to a measure that would involve a danger of so alarming a nature. He did not wish to refer to old Parliamentary debates in order to justify himself in expressing this opinion; but, in former days, when the battle was fought against an Alien Bill year after year in the House of Commons, it was his pride to have been coneected with those who contended against it. When the Bill was finally repealed, in 1826, Sir Robert Peel, on whose Motion it was abrogated, was received by those who generally were opposed to him with such shouts of applause as would not soon be forgotten by him. Such a power, however necessary in exceptional cases, could not exist in conjunction with a free Government, or with that state of things which every Englishman must desire to see established in this country. He believed that, at the present time, there existed an exceptional case. But he must say that, in his humble opinion, none of these Bills ought to be dealt with in periods of excitement, disturbance, and alarm, but that, in a time of peace, the Government and Parliament ought to consider what was the best mode of governing the country when any dangerous crisis should arise. If he wanted any proof of this, he found it in the speech of the noble Lord who had just sat down, who had been condemning the Government for the course they had lately pursued with regard to Ireland. Attacks so powerful and so operative, even if just, upon the Government, at the very time when extraordinary powers were required to be entrusted to that very Government, would tend to impair the exercise of those powers by disparaging the hands that wielded them. But, in his opinion, Government were entitled to the general thanks of the country, especially for the manner in which the public business had been conducted within the last few days; and if they had not hitherto applied to Parliament for additional powers for the protection of the people in another part of the empire, he thought the experience of the last few days ought to convince their Lordships that some good prudential reason might exist for not doing so on this occasion. With respect to the Bill now under discussion in the House of Commons, it had long been his opinion that the gap was too wide between the crimes of sedition and of treason, and that an intermediate offence might properly be enacted. He hoped the Bill to which he was alluding would be found adequate to the present exigency, and be deemed useful as a permanent portion of our legal system; and that it would undergo such careful revision and improvement, where necessary, as to be fit to pass their Lordships' House without lengthened debate. He must again say one word with regard to what had recently occurred in this metropolis. Though clearly of opinion that the Government not only possessed the right to stop the procession taking place, but to have dispersed the meeting itself by the direct application of force, yet he most heartily rejoiced at the forbearance that was exhibited, thus avoiding dangerous collisions, which leave angry feelings behind them, and enabling the great mass of the loyal people to show their own power of self-protection, and that without the interposition of force on the part of the Government.

The Marquess of LANSDOWNE wished to say a few words in reference to what had fallen from a noble Lord opposite, for the purpose of again distinctly stating—for he had stated them before—the grounds on which this Bill was introduced. The noble Lord had assumed that the object of the Bill was different from that which had been stated. The object of the Bill was not to establish a system of passports, or to prevent the entrance of a number of persons into the country; but the object was to do that which would effect with certainty the exclusion of persons from this country who by their conduct proved they did not deserve to be tolerated here, or to be permitted to reside here. The noble Lord told them they should go further; and he (the Marquess of Lansdowne) knew that by going much further, and by adopting much more strong and unconstitutional means, they might entitle themselves to the more cordial support of the noble Lord; but he had yet to learn that the opinion of the noble Lord must necessarily be the opinion of all England, or that if they adopted his opinion they would at once entitle themselves to the support of every class of the people. He (the Marquess of Lansdowne) contended that in a measure of this description it was of the utmost importance to carry with them the universal opinion of all the well-thinking classes of society, and to show that the Government were not anxious to alter or suspend any part of the constitution of the country without a necessity for doing so. The noble Lord had also made some observations with respect to Ireland; but was he not aware that when a noble Earl opposite had, in the course of the evening, called attention to the subject, that an arrangement was made that the question should be discussed on Monday? Although such was the case, the noble Lord was not able to restrain his ardour, but, on the contrary, after the question was thus disposed of, entered into the subject, and gave expression to his own opinions for the purpose of prematurely condemning the conduct of Her Majesty's Government. He (the Marquess of Lansdowne) must accept the condemnation of the noble Lord; but in doing so he had the pleasure of thinking that he had the approbation of his noble Friend who had just left the House. He had expressed his conviction that the Government must have good reason for abstaining from asking for more powers than they had asked for, and that their conduct showed they were sufficiently alive to the exigencies of the case. When Monday arrived, he (the Marquess of Lansdowne) should state, in answer to the question of the noble Earl, the intentions of the Government in respect to Ireland. He agreed with the noble Lord, that the state of Ireland continued to be such as ought to engage the attention of Her Majesty's Government; but at the same time he was not quite so prepared as the noble Lord appeared to be, hastily to adopt measures in reference to it without carefully considering the difficulties they had to encounter, with a view of ascertaining what intermediate course it might be necessary to adopt. So much he considered himself called upon to state, after the opposition which the noble Lord had offered, not indeed to the measure before their Lordships, but the presumed opposition he had exhibited to the course adopted by the Government. In proposing this measure he admitted that he had concurred in calling for the repeal of the Alien Act in former times, and under different circumstances from the present; but he did not think that he should be exposed to imputation in reference to any of his previous acts. Those exceptional laws were not to be judged by a reference to each other. They were all founded on the peculiar circumstances of the times. The greatest necessity would exist for them at one time; there might be no necessity for them at another time; a milder law might answer the purpose at one period, and a more severe one might be necessary at another. Those who had the direction of the councils of the country must be prepared, without reference to precedents, to shape their course to the particular exigencies of the times. If ever there was a time that had peculiar characteristics to distinguish it from another, it was this moment at which they were called upon to legislate. Therefore, they had disregarded all reference to precedents, because they felt bound not to look to former periods, but to act upon the exigencies of the occasion, and to what the occasion required at the moment when it was called for. The noble Marquess intimated, in conclusion, that when the Bill was in Committee, he would propose an Amendment, giving a right of appeal to the Privy Council.

The EARL of MALMESBURY thought it a strange return for the support which had been given to the Government by its political opponents, that the noble Marquess should now say that noble Lords at his side of the House supported this measure because it was unconstitutional. They supported this Bill, and even asked for this Bill, because they were aware of the dangers to which the country was exposed, and were not actuated by any other motives. But if they were ready to share the odium of this measure, they were also entitled to say this measure should be effectual. They were entitled to say it was not effectual, if they thought so; and the noble Marquess had no right to say he would have a stronger support from them if the measure were more unconstitutional.

The Marquess of LANSDOWNE disclaimed the intention of casting any imputation upon the noble Lords opposite.

The Duke of RICHMOND was of opinion that those persons knew very little of the British Army who thought they would yield to an undisciplined mob. Did they think that the Army could be so defeated that had beaten the veteran troops of the Emperor Napoleon? He (the Duke of Richmond approved of this Bill because he thought prevention was better than cure, and he wished the Bill had been more efficient. Looking to what took place in other countries, he was not prepared factiously to oppose the Government; but on every occasion in his power he would give them his feeble but hearty support to enable them to carry on the Government of the country.

After a few words from Lords Redesdale and Clanricarde,

Bill read 2^{a}.

House adjourned.

HOUSE OF COMMONS,

Thursday, April 13, 1848.

Minutes.] Public Bills.—1^{o} Horsham Borough; Small Debts.—Indemnity.

2^{o} Petty Bag Office.—Exchequer Bills (17,946,500*l.*).

Petitions Presented. By Mr. Pattison, from Citizens of London, for an Extension of the Franchise.—By Mr. J. O'Connell, from various Places in Ireland, for Repeal of the Union.—By Mr. Clay, from Kingston-upon-Hull, complaining of Forgery of Signatures to the Petition of the Inhabitants of the British Isles.—By Mr. Wood, from Oxford, for the Adoption of Universal Suffrage.—By Mr. Cobden, from Lincoln, and Mr. Forester, from Coalbrookdale and Ironbridge, for the Better Observance of the Sabbath.—By Captain Jones, from Dunboe (Londonderry), and the Earl of Lincoln, from Airdrie, for Alteration of Law respecting Sites for Churches (Scotland).—By Mr. Bremridge, from Attorneys and Solicitors of several Places, for Repeal of the Duty on Attorneys' Certificates.—By Sir H. Williamson, from Sunderland, and Mr. East, from Winchester, for the Exemption of Charitable Bequests from Legacy Duties.—By Mr. Gardner, from Theale (Berkshire), for Reduction of Duties on Tea, Coffee, Sugar, and Cocoa.—By Dr. Bowring, and other Hon. Members, from several Places, against the Crown and Government Security Bill.—By Mr. Duncan, from Dundee, and Lord Rendlesham, from Southtown (Suffolk), against the Diplomatic Relations, Court of Rome, Bill.—By Viscount Bernard, and Mr. G. Hamilton, from several Places, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Mr. S. Crawford, from Rochdale, for a Free Pardon to Frost, Williams, and Jones.—By Mr. Cobden, from Huddersfield, for Repeal of the Game Laws.—By Mr. J. O'Connell, from several Places in Ireland, against the Landlord and Tenant (Ireland) Bill.—By Mr. Du Pre, from Buckingham, for Alteration of the Lunatic Asylums Act.—By the Earl of Lincoln, from Merchants and Shipowners of Grangemouth, against the Repeal of the Navigation Laws.—By Mr. G. Hamilton, from Cecil (Tyrone), for Inquiry respecting the Poor Law (Ireland).—By Viscount Castlereagh, from Downpatrick, for the Prohibition of Processions (Ireland).—By Mr. Bernal, from Rochester, against the Public Health Bill; and by Viscount Morpeth, from London, in favour of the same.

MANUFACTURE OF PIKES—DUBLIN.

Mr. J. O'CONNELL asked the right hon. Baronet the Secretary for Ireland, whether it was the intention of Her Majesty's Government that Colonel Browne should remain in his present office as head of the Dublin police? Colonel Browne could not expect to retain the respect or confidence of the public after what had occurred. He also asked the right hon. Baronet whether Her Majesty's Government were aware that Colonel Browne had publicly denied having instructed the man Kirwan to give orders for the manufacture of pikes, and whether that denial did not appear to be an afterthought?

Sir W. SOMERVILLE said, that when the hon. Gentleman put a similar question to him a few evenings ago, he stated he would prefer not giving a distinct answer at that time, because he thought no dependence could be placed upon the newspaper reports, they being exceedingly contradictory. He was exceedingly glad he had deferred answering the question on that occasion, because he was now enabled to give a distinct contradiction to any such assertion as that Colonel Browne had employed individuals to make pikes. He could not do better than read Colonel Browne's own statement of the circumstances. He said—

> "I have to state most positively that I never gave directions to Kirwan, or any other person, to entice or induce blacksmiths, or other artisans, to manufacture pikes; but having received information that such weapons were made in several parts of Dublin, I employed Kirwan and others to call at the blacksmiths' shops, and buy some of them if they were to be had. I even cautioned them that the pikes must be ready made."

Here was Colonel Browne's positive and distinct contradiction that he ever employed Kirwan to order the manufacture of pikes. When his hon. Friend asked him whether he did not think this was an afterthought, he must say he thought the positive contradiction of Colonel Browne, an officer and a gentleman of high respectability, deserved credence rather more than the report of a newspaper taken in a police court, upon which, as every hon. Member knew, entire reliance could not be placed.

THE CHARTIST PETITION—MESSRS. O'CONNOR AND CRIPPS.

Mr. THORNELY brought up a special report from the Select Committee on Public Petitions, which was read by the clerk at the table as follows:—

"The House, on the 26th of November last, directed your Committee, in all cases, to set forth the number of signatures to each petition; and also, having regard to the powers delegated to them, to report their opinion and observations thereupon to the House, and they have agreed to the following special report: That on the 10th of April last, a petition for universal suffrage, &c., from the inhabitants of the British Isles, and subjects of the British Crown, was presented to the House. Your Committee strongly feel the value of the right of petition, and they consider that the exercise of it is one of the most important privileges of the subjects of this realm. They feel the necessity of preserving the exercise of such a privilege from abuse; and having also due regard to the importance of the very numerously signed petition forming the subject of the present report, they feel bound to represent to the House, that in the matter of signatures there has been, in their opinion, a gross abuse of the privilege. The hon. Member for Nottingham stated, on presenting the petition, that 5,706,000 names were attached to it; but, upon the most careful examination of the number of signatures in the Committee-room, and at which examination thirteen law-stationers' clerks were engaged upwards of seventeen hours, with the person ordinarily employed in counting the numbers appended to petitions, under the superintendence of the clerk of your Committee, the number of signatures has been ascertained to be 1,975,496. It is further evident to your Committee, that on numerous consecutive sheets the signatures are in one and the same handwriting. Your Committee also observed the names of distinguished individuals attached to the petition, who can scarcely be supposed to concur in its prayer: among which occurs the name of Her Majesty, as Victoria Rex, April 1st, F. M. Duke of Wellington, Sir Robert Peel, &c. &c. Your Committee have also observed, in derogation of the value of such petition, the insertion of numbers of names which are obviously fictitious, such as "No Cheese," "Pug Nose," "Flat Nose." There are others included, which your Committee do not hazard offending the House and the dignity and decency of their own proceedings by reporting. It may be added that there are other signatures appended obviously belonging to the name of no human being."

On the question that the report do lie on the table,

MR. F. O'CONNOR said, he was happy to think that there had been unusual activity with respect to this petition. It was announced to him yesterday, about twelve o'clock, by a Member of the Government, that the petition had been examined, and that there were not above 1,900,000 signatures to it. He did not undertake to say, nor had he ever said, nor would it be possible for him to say, that there had not been some of the practices resorted to which the Committee had represented; but there was an old saying, "He who hides can find;" and he had no doubt that in a great national undertaking like that, something like the spy system had been had recourse to. He had, however, pretty strong collateral proof that the number of signatures to the petition had far exceeded what the Committee had reported; and, without wishing to cast the slightest blame upon the Committee on Petitions, he should move for a Committee to investigate that particular petition. He had himself received statements from parties who had been concerned in getting up that petition, and who, he was sure, would not lend themselves to anything of an improper kind, showing that in Manchester alone the petition had received 175,000 signatures, and in Birmingham 75,000; and he had other statements from England, Scotland, and Wales, from parties who had undertaken the petition, showing upwards of 4,800,000 signatures. He had presented a petition, praying for the introduction of the Land Company Bill, which contained 203,000 signatures. In that number there was no error, and he did himself lift that petition, and place it upon the table of that House. The petition which he presented on Monday, however, was on four rolls, and not a Member of that House could have lifted the largest of them. He did not impute anything to the Committee, but he did say, that if they left out absurdities, such as "Pugnose," "the Duke of Wellington," and so forth, he had no doubt but there would be left five million of legitimate signatures. He asserted, moreover, that thirteen clerks could not have counted 1,900,000 signatures in seventeen hours, nor could twenty have done it. He did not believe any such thing as that the petition was only signed by 1,900,000 persons; and if the House doubted his assertions, he would, ere long, present one with two or three times the amount.

MR. THORNELY, as Chairman of the Committee on Petitions, assured the hon. and learned Gentleman that the petition in question had been received with all the respect due to a petition so very numerously signed; and if he might take the liberty of speaking of an individual so humble as himself, he would say, that there were points which the petitioners urged for the consideration of that House —the ballot for instance—in which he entirely agreed with them. But the House would be aware—a fact of which the hon. and learned Gentleman was, perhaps, ignorant—that when the Committee on Petitions was appointed, at an early part of the Session, they were instructed to report to the House the number of signatures to each and every petition presented. It had been necessary to call in additional aid for that purpose in the case of the present petion; but he believed, and indeed he had no doubt, that the number had been fairly ascertained. He should add that the petition had been weighed, and that its weight was 5¾ cwt. He had no more to say, except that the Committee was too well known to require any vindication by him.

Lord J. RUSSELL: I give the most implicit credit to the report of this Committee. I think it is entitled to our full confidence. We must remember, however, besides all the circumstances which they have mentioned, that they could not take into account the great number of idle people and passers by who, seeing a petition at the corner of the street, might have thought fit to sign it, without having any wish for the Charter, or at all concurring in the views of the hon. Gentleman. The hon. Gentleman, however, has made one suggestion, which I think is rather valuable, namely, that that proceeding of feigned names may be a part of a spy system of the Government. Now, I beg to suggest to the hon. Gentleman whether that spy system may not extend still further, and whether the Members of that Convention themselves are not parts of a spy system? Because, if they intended to promote peace and order, and were spies of the Government, I think they could have done nothing better than put forward such menacing declarations, and then have acted in so orderly and peaceable a manner as they did.

The Earl of ARUNDEL and SURREY stated that, in a proclamation which had since been put forth by the Chartists, it was declared that a glorious demonstration had taken place, and that a quarter of a million were present on Kennington Common. From the highest and most unsuspected sources he had been assured that the number, spectators included, at no time exceeded 25,000. He believed there were not more than 15,000; but, in order to be quite safe, he would say 25,000. He asked why would the people longer be gulled by the leaders of that Convention, who had so grossly deceived them with regard to their numbers, and had thus proved themselves false to the country, traitors to the Queen, and rebels to their God?

Mr. J. O'CONNELL stated that he had been waited upon by the leading Repealers in London, who had informed him that the Repealers as a body had taken no part in the proceedings of Monday last, and that they would not ally themselves with any agitation which was accompanied by violence. There were not above 2,000 Repealers, including women and children present.

Sir R. H. INGLIS said, that there had been never such a gross exaggeration of numbers as in respect to the petition of the Chartists; except perhaps the exaggeration of numbers in respect to those who formed their meeting on Monday last. For weeks past it had been announced that this petition was signed by more than had ever joined in any address to this House or to the Crown; and the number of signatures was stated, in his hearing, on Monday last, when the petition itself was brought up, to be 5,706,000. He pledged himself that this account was formally and deliberately given in the face of the House of Commons by the hon. Member for Nottingham, who had the charge of the petition, and professed to be the leader of the petitioners. Now what was the fact? Why, that the absolute number of signatures professing to be names was 1,974,496. He did not deny, that this was an enormous and perhaps unprecedented mass of signatures; but, in the first place, and as to proportions, it was as if some one had asserted a fact as if more than 500, whereas it turned out to be, at the best, a fact of less than 200; in the next place, as to the real value of the signatures themselves as representing the mind and will of any body of men, it was obvious on a glance at the petition itself, that large strings of names, perhaps whole sheets, were written by one and the same man, without any explanation, profession, or allegation that he was authorised by any others to subscribe their names. In the next place, some of the names, as the special Report had already stated, were names of persons so eminent in position, and at the same time so notoriously hostile to the objects of the petition, that the bare enumeration of them would prove that they had not been attached by the parties themselves to any such prayer. In the last place, there were, among the so-called signatures, words such as "No Cheese, Pugnose, Flatnose," &c. which no less obviously represented no real petitioner. Though he did not deny, that, after all, there were hundreds of thousands of real signatures, however little many of them might have been *bonâ fide* cognisant of the object of the petition; yet all this proved, that the petition itself had been so got up as to be hardly worth the paper on which it was written; at least, he might say, that a petition with a tenth or twentieth part of the number of professed signatures would, under other circumstances, have been worth much more. He felt bound, therefore, to add, that the parties who made such exaggerations in the first instance, and committed such gross abuses in the next, were the real and the worst enemies of the right of petitioning. He did not mean to propose any formal resolution to the House on the subject at present; but he could not help submitting, whether it would not be a just and proper means of securing the House from similar impositions hereafter, and the right of petitioning from the contempt which the late abuses cast upon it, if the House were in future to require that the designations and the residences of all the parties who subscribed a petition should be attached to their names. This would prevent some of the abuses, and diminish the recurrence of others, which had thrown on the present petition a scorn and ridicule so deserved. So much for the matter of the petition of the Chartists: as to their meeting, he desired to add his hope, that Her Majesty's Government would state to the House what resolution, or what measure, they intended to propose—first, with a view of preventing such a disturbance of the public peace as had taken place last Monday; and, secondly, with a view of acknowledging the means by which its further and more serious violation had then been prevented. No exertions ought to be omitted to preserve the institutions which we enjoyed; and if we were to be threatened, week after week, with such a demonstration as the hon. and learned Member for Nottingham had made, or attempted to make, last Monday, he trusted that some measure would be taken to prevent its recurrence. It was true that, in the late instance, the physical force which was wielded by the hon. Member, was about in proportion to the moral-force value of the petition which he had presented. But the evil which, even by his failures, he could still accomplish, was too great to be tolerated by any Government in a healthy action. He hoped, too, that Her Majesty's Ministers would bring forward, or could state that they had already prepared, some proposition for acknowledging the exertions made to preserve peace and good order by the almost unanimous energies of the people of this metropolis. It was not by a military force that this result had been obtained. He did not undervalue the disposition of the forces on that occasion—he did not underrate the indirect influence which the knowledge of their nearness and their readiness must have produced on the organised masses of the multitude whom the hon. Member for Nottingham had on that day brought together in London; but he could not forget that far larger military means than our own had lately failed utterly in Paris, in Berlin, and in Vienna, in preserving the institutions which they were appointed to defend. And in respect alike to the civil and to the military power, he felt assured, that both his noble Friend at the head of the Government, and his right hon. Friend the Secretary of State for the Home Department, on the one side, and his right hon. Friends the Members of the late Government, whom he saw on the other side of the House, would concur with equal cordiality in the acknowledgment that England owed its present safety, not to an arm of flesh, or to any human wisdom and firmness, but to the blessing of Almighty God; and, therefore, that all would gratefully ackowledge, that "unless the Lord keep the city, the watchman waketh but in vain."

Mr. CRIPPS said, after what the hon. Gentleman had said, and the reflections he had made upon the Committee— [Mr. F. O'Connor: I made no reflections upon the Committee.] If the hon. Gentleman did not mean to reflect upon the character of the Committee, he meant nothing at all. The Committee had taken every pains with this petition, that there should be no mistake. His attention was first called to the circumstance when the hon. Member made that audacious statement, that the petition was signed by 5,000,000 persons. He went from his place as soon as he heard that statement, and spent two hours and a half over that very interesting document, the Population Abstract for 1841; and he might state, that upon every calculation which he could make he came to the conclusion that the petition could not be signed by half that number. He certainly was not aware at that time that the petition was signed by women. He found, however, upon taking a number of sheets at random, that in every 100,000 names there were 8,200 women. The hon. Gentleman said the petition weighed five tons. They had weights and scales in the Committee-room, and found that it weighed little more than five hundred weight. Perhaps the hon. Member would say he meant five hundred weight. [Mr. F. O'CONNOR: I never said so.] He would pledge his word of honour to the House, that the hon. Gentleman had said it weighed five tons. He had himself heard him say so. At any rate three crazy cabs brought it down to that House. He did not wish to throw ridicule and obloquy upon the petition, but he did throw ridicule and obloquy upon the hon. Gentleman who presented it.

MR. F. O'CONNOR: I rise, Sir, to order. The hon. Gentleman's observations require explanation.

MR. SPEAKER: If the hon. Gentleman wishes to make an explanation with regard to personal conduct, though he has no absolute right to speak upon the subject, I have no doubt the House will allow him. If the hon. Gentleman does not wish to explain personal conduct, he must not interrupt another hon. Member when he is addressing the House.

MR. CRIPPS continued: He would repeat the observation, and he would say that if ever any Member of that House had laid himself open to charges which ought to deprive him of every credence to which man is entitled, that Member was the hon. Member for Nottingham. He would say for himself, that he could never believe the hon. Member again; and he trusted that those deluded persons who had assembled on Kennington Common would also withdraw their confidence from him. Were such meetings to be allowed, bearing in their train robbery and the most atrocious results; was another meeting to be held within a fortnight, for the purpose of concocting such a ribald mass of obscenity and impiety as was contained in the petition under consideration? Language the most disgusting pervaded the whole petition; there were words in it which the vilest strumpet in the street would blush to name. The Duke of Wellington's name occurred fifteen or sixteen times. The name of the hon. and gallant Member for Lincoln (Colonel Sibthorp) several times; and the names of the hon. Members for Manchester and West Yorkshire he did not know how many times. On one of the sheets he knew, and he believed on several of them, were written the words, "We could not get paid for any more to-day." He was thankful from the bottom of his heart, that he had not done what he was very nearly tempted to do. If he had only taken up a sheet of the petition, when it lay at the foot of the table, and had happened to have stumbled upon one of the ten or twelve sheets, he should have objected to the receipt of that petition; for he could have put sheets into the Speaker's hands, which he could never have read to that House. He deeply regretted that such blasphemy and obscenity should have caused the Government so much uneasiness, and have put them to so much expense. Now the hon. Gentleman said he could present a petition signed by three times as many persons. Why, the whole number of males in England above 15 years of age did not exceed 7,000,000 persons. He hoped the House would not cast a reflection upon the Committee on Public Petitions, by appointing another Committee to consider this particular petition.

MR. O'CONNOR: There are three points on which I must give some explanation. I hope I shall do so without the excitement which the hon. Gentleman the Member for Cirencester has displayed. The first point has relation to the House; the second to the Committee; and the third to myself personally. I stated at the outset that I attributed not the slightest blame—not even a sinister intention—to the Committee; but I said it was impossible for the number of clerks employed to have got through the work in double the time they were employed. With regard to the petition itself, I could not be supposed to be accountable for anything written in it. Was it possible for me, in the nature of things, to examine the different sheets? I never saw one of them till I saw them rolled up here. I am now told I had no business to present any petition the character of which I did not know. If such were the rule, that petition would never have been presented at all. As to my having forfeited my title to credence, in having presented a petition for which I am not responsible, with all respect to the House and the Committee, I shall have that explained elsewhere.

The hon. Member immediately left the House.

MR. J. G. SMYTH: Having been present at the meeting on Kennington Common on Monday last, I am anxious that, as far as possible, the numbers present should be accurately stated. I saw both the arrival of the procession and the commencement of the proceedings, and it is my deliberate conviction that at no time of the day were there more than 15,000 present. That I believe to be an excessive calculation. I have reason to know, that previous to the meeting means were taken to ascertain the whole number of persons which could be present if the Common were entirely covered. The whole space, closely packed, would not hold more than 90,000, and at no time was there more than a quarter of the space occupied. I have further to state, that I am convinced I exaggerate them when I put the numbers of the procession at 8,000. I will only add, that the hon. and learned Member for Nottingham, in my presence on Monday evening, stated the numbers present on Kennington Common as exceeding half a million.

Colonel SIBTHORP: Sir, I rejoice that I happened to be in the House during this discussion. Most unexpectedly, God knows, I heard that my name was inserted among the signatures to that monstrous petition. I should hope that my conduct through life will be sufficient to satisfy every Member of this House, and everybody out of it, that I should be one of the last to disgrace my family, myself, and the constituency I have had the honour to represent for twenty years, by placing my name to a petition which could not fail to cast a stigma on all who were parties to it. On Monday night, when the hon. and learned Member for Nottingham, addressing me at the door of the House, said, "I am glad all went off peaceably;" I said, "I have only one regret that it did." "Why?" he asked. "Because," I replied, "if you had attempted to come over the bridge you would have got the damnedest hiding mortal man ever received."

Mr. HUME: I am extremely sorry to have witnessed this scene. I submit the hon. Member for Cirencester has taken a most unusual and unfair course. No man respects the right of petition more than I do—no one would more readily express an opinion condemnatory of such proceedings as must have taken place in this case; but it would have been more consistent with the dignity of Parliament, and the fairness due to all parties, if notice had been given by the hon. Member for Cirencester that he would call the attention of the House to the circumstances connected with this petition to-morrow or some other day. There was no occasion for the hon. and gallant Member to use an oath. It is unbecoming the character of this House that hon. Members should abuse each other, and say that this or that Member was not worthy of credence. It may be true or not. I place the utmost reliance on the statement of the hon. Member for Wolverhampton; I have no doubt the facts are as he states them; but in order to secure the House from imposition—and I cannot doubt that the grossest imposition has been practised here — it should go forth to the country that every Member is responsible for the petitions he presents. In contradiction to the hon. and learned Member for Nottingham, who has now left his seat, I assert that that is the rule; and every party endeavouring to impose on the House by such improper measures as have evidently been taken in this instance discredits the right of petition, and is liable to the severest reprehension. But while every Member should take the greatest care to ascertain that the petitions he presents are genuine, let us not condescend to call each other bad names by way of vindicating the character of this House.

Mr. R. YORKE: With all respect for the former public services of the hon. Member who has just sat down, I am sorry to be obliged to differ from him on this occasion. Without the slightest hesitation I take on myself the odium of saying, that this House and the cause of truth are under eminent obligations to the hon. Member for Cirencester. That hon. Member has undoubtedly used language of strong import; but he was not only provoked but justified in what he has said. Truth in this House should be paramount. I am here to say, that everything the hon. Member for Cirencester has stated with reference to the Member for Nottingham is strictly true. As a matter of course the Member for Nottingham denied those statements.

Viscount CASTLEREAGH: I rise to order. I appeal to you, Mr. Speaker, whether the House will consider it consistent with its dignity to hear hon. Members repudiating and giving decided contradiction to the statements of others, whether present or absent. My own notions of honour may be different from those of other Members; but I am perfectly sure of this, that if a friend of mine were subject to such imputations in this House, who was not here to defend himself, I should feel, if I had not your protection, that this House was no longer a place where I ought to remain.

Mr. R. YORKE: I can perfectly understand—nay, more, I can appreciate—the chivalry of the noble Lord. That the Member for Nottingham is not here is his own affair. I am not indulging in personalities. I am only attempting humbly to vindicate the honour and integrity of this House by reference to what should be the integrity and honour of its Members. The forms of Parliament do not allow me to say more than this, that while I have heard the Member for Nottingham assert that he was reprobated by those with whom he was associated for his adherence to monarchy and the existing institutions of this country as opposed to republicanism, six days before there appeared a long elaborate article in a paper called the *Northern Star*, recommending the substitution of a form of government totally different from that which happily exists in the United Kingdom, and that article was signed "Feargus O'Connor."

Mr. LUSHINGTON: The hon. Member for Nottingham said he would explain two points with reference to the House and the Committee, but would explain what referred to himself personally elsewhere. My apprehension is, that from the unfortunate language which has been used, fatal consequences may ensue.

Mr. DISRAELI: There seems to be an idea that a more serious meeting on Kennington Common may occur than has already taken place. It were highly ridiculous that this transaction should really terminate with an incident of that character. If any Gentleman in this House makes a statement which is, to say the least of it, grossly inaccurate, if it is the opinion of the House that that inaccuracy has a tendency to produce public mischief, and has been made with that intention—if the hon. Member for Nottingham has sinned in this respect, let the circumstances be placed before us in a proper manner, and I have not the slightest doubt the House will come to a right decision on the subject. At the same time, I must say I heard with pain the tone and language used by the hon. Member for Cirencester. I think it is highly inconvenient that an individual Member should express himself with respect to the conduct of another hon. Member not formally condemned by the House in the manner the hon. Member for Cirencester has done this evening. Still, I am bound to add, that we are indebted to the hon. Member for Cirencester for the pains he has taken on this subject; and, although I cannot vindicate the tone which, from a surplusage of zeal, he has assumed, I think every one must be extremely anxious that the hon. Member for Cirencester should not be imperilled by personal consequences of the kind insinuated. I hope, therefore, that you, Sir, by the exercise of that authority to which all of us, present or absent, are ready at all times to bow, will prevent a conflict of a personal and painful character.

Sir G. GREY: I did not hear the expression attributed to the hon. Member, and I believe that expression did not reach the chair, or the Speaker would have taken notice of it. I quite agree that nothing could be more ridiculous than a personal conflict between two Gentlemen arising out of such circumstances. The hon. Member for Cirencester certainly spoke with some warmth, and might probably have been led away by the feelings of the moment; but, if he gave any ground for personal offence to the hon. Member for Nottingham, he would not refuse to give an explanation, though it certainly had not entered my mind that any personal conflict would emanate from these circumstances.

Mr. R. PALMER: I think, as this subject has been mooted, that it is my duty to state what I know respecting it. The hon. Member for Nottingham adverted to three points, stating that with respect to two of those he would offer an explanation to the House, and that with respect to the other, which related to his own personal conduct, he should explain elsewhere. If the Speaker had caught that expression, undoubtedly he would have intimated that some explanation respecting it would be required. I certainly thought, from the manner of the hon. Member for Nottingham in leaving the House, that he intended to take some other notice of the words used by the hon. Member for Cirencester, which this House would be anxious to prevent. When I heard the expressions which fell from the hon. Member for Cirencester, I was not surprised that, under the circumstances of the case, his zeal might have carried him away from the use of what might appear the most discreet language; but it did strike me that the hon. Member was indeed going far when he made the imputation against the hon. Member for Nottingham that he was not entitled to credence. I am quite sure that if the hon. Member for Cirencester did make use of such strong expressions, he will take the opportunity of setting himself right.

Lord J. RUSSELL: In consequence of what has fallen from the hon. Gentleman, to the effect that the hon. Member for Nottingham stated that certain words must be explained elsewhere, I think it necessary to move that "Mr. O'Connor be ordered to attend in his place forthwith."

Mr. SPEAKER: Before putting that question, I beg to state to the House that if what fell from the hon. Member for Nottingham had made the same impression on me as it appears to have done on the hon. Member (Mr. R. Palmer), I should have called on the hon. Member for Nottingham to make an explanation, and also on the hon. Member for Cirencester to assure the House that he did not intend any personal reflection. The greatest possible reliance is placed on what falls from a Member of Parliament; and in proportion to the great weight given to the words of an hon. Member, should be his caution that what he states is strictly accurate. The hon. Member for Nottingham, like every other Member, is responsible to the House for the petition he presents containing no disrespectful language, for its coming from the place whence it purports to emanate, and for the genuineness and propriety of the signatures to it. Of course, the hon. Member might be imposed upon with respect to names appended to the petition, as being the names of the parties signing it; but there are some points on which he could not be imposed upon if he took that proper precaution which he owed to the House. The hon. Member for Cirencester, certainly with some warmth, denied and contradicted the statement of the hon. Member for Nottingham; but it did not appear to me that he had exceeded the rules of the House. I hope, however, that the hon. Member for Cirencester will assure the House that he did not intend anything personally offensive. The Motion I have now to put is, that "Mr. O'Connor be ordered to attend in his place forthwith."

Mr. CRIPPS: I cannot deny that I did feel most strongly, and that I used every single word that fell from me with perfect sincerity. However, the observations which have just proceeded from the chair have placed me in a difficulty, because the words I used were not intended to offer any insult to the hon. Member for Nottingham, but were wrung from me, they being to the effect that I could place no more credence in his observations. I certainly did use those words, and if that language were unbecoming a gentleman, I should feel bound to make atonement for it. No gentleman who knows me will say that that language arose from want of temper on my part, or that, if I saw reason to make an explanation for the use of it, I should be influenced by a wish to avoid those consequences which are supposed to be due from one hon. Gentleman to another. I should like to know what the opinion of the House generally is, for I have heard some hon. Members say that I used strong language, and others, that the language I used was justifiable under the circumstances. With respect to hostile intentions, I can assure the House that I entertain none towards the hon. Member for Nottingham.

Viscount CASTLEREAGH: I hope the hon. Gentleman will explain to the satisfaction of the House the words he has used. I have no doubt that he has stated that which he believes to be perfectly true; but in so doing he has offended the feelings of an hon. Member of this House. I think the same facts might have been conveyed to the House in different and not such strong language. I am anxious to see the deliberations of this House carried on in a manner befitting its character, and so as to set an example to the legislative assemblies of other countries. Let it not go forth, so soon after recent occurrences, that on the consideration of this petition two hon. Members were not sufficiently special constables as to be able to take care of themselves. I hope the hon. Member for Cirencester will be able to explain the language he has used.

Sir De LACY EVANS: I concur in what has just fallen from the noble Lord. I entirely admit the sincerity of the hon. Member for Cirencester. As a Member of the Committee, he has had to perform his duty in examining this petition; and I am not surprised at the strong feelings he entertained on discovering the character of the signatures to the petition, if signatures they could be called. But I am sure he will admit, on reflection, that it is entirely inconsistent with the good order and courtesy indispensable for the transaction of the business of any legislative assembly, to allow himself to use expressions such as have fallen from him, however strong the grounds might be, and strong they undoubtedly are, for such language. Therefore, not only in regard to the hon. Member for Nottingham, but from respect for this House, I am sure the hon. Member for Cirencester will think it his bounden duty, without further delay, frankly to admit that he was borne away by the feelings of the moment.

Mr. CRIPPS: I am afraid that I might have been betrayed into saying something unparliamentary; but I did mean to tell the hon. Member for Nottingham, and I cannot as a gentleman retract what I said, that I could not place further reliance on his words. But if I used language unparliamentary I deeply regret it, and I have no more hesitation in expressing that regret to the hon. Member for Nottingham, who is a Member of this House, than I have in expressing it to the whole House.

Mr. SPEAKER: I understand the hon. Member for Cirencester to say that if he used any unparliamentary language he deeply regrets it. I am quite sure that the House will be satisfied with that explanation.

Mr. O'Connor was ordered to attend in his place forthwith.

At a later period of the evening, it was reported to the House that the order had been served on Mr. O'Connor, and he not having obeyed it, he was on the Motion of Sir George Grey ordered to be taken into custody. The hon. Member was afterwards reported in custody, discharged, and attended in his place.

Mr. SPEAKER said: Mr. Feargus O'Connor, the House has been given to understand that an expression fell from you before you quitted this House which has led the House to suppose it is your intention to take hostile proceedings against an hon. Member of this House—the Member for Cirencester (Mr. Cripps), in consequence of words spoken by him in debate. I hope you will be able to assure the House that that was not your intention; but it is my duty to inform you that, after you left the House, the hon. Member for Cirencester has already expressed his regret that any expression should have fallen from him which is at all unparliamentary. If the expression used by you had reached me at the time, I should have felt bound at once to interfere; but I think it only due to you to call upon the hon. Member for Cirencester to state in your presence what he has already stated in your absence.

Mr. CRIPPS: I wish only to say, that I felt impelled to speak as I did, hearing the conduct of the Committee directly impugned, for we were charged with making representations capable of being contradicted before another Committee. I have taken a deep interest in this subject, and accordingly felt warmly; but, I say again, if I exceeded the line of expression which is due from one Member of Parliament to another, in any respect, though I confess I meant to impugn the conduct of the hon. Member, yet if I exceeded the line of Parliamentary debate in any thing I said, I deeply regret that that should be the case. I can only assure the House that this is the first time in the course of my life I have ever been betrayed into anything unparliamentary, or that I have said a single word which could offend.

Mr. F. O'CONNOR: Sir, I beg to exculpate you altogether from the non-performance of your duty, and for this reason. The words I made use of were these:—"I had three duties to perform—one to the House, another to the Committee, and another to myself—that as regarded the House, I hoped they would believe that I should not be a party to any delusion being practised; and, as to the Committee, I reiterated what I before stated, that, so far from casting the slightest imputation upon them, I said, on the contrary, there was none whatever to be cast upon them." That I stated as distinctly as words could state; and, having stated what I considered was my duty to the House and to the Committee, without any further observation, I then left the House. I am proud to say that, having been in this House during tempestuous seasons, and out of this House having led a life which was likely to bring me into collision with others, whilst in this House I have never offered the slightest personal offence to the feelings of any hon. Member of it; but, on the contrary, I have studiously avoided insult. And I think every hon. Member would say I was utterly unworthy of holding a seat here, if I did not in some manner resent the observations which the House seemed to receive with so much willingness. I should not be satisfied with the apology for the unparliamentary words, if it had not been for the concluding words of the hon. Member, who, in a generous manner, having got over the feelings of the moment, said that if he used words which were unbecoming from one to another, he regretted it. I have only to say that I will entirely forget the whole matter; I am not capable of fostering or allowing anything to rankle in my breast. But I have a higher duty to perform to the House, and to the persons who signed the petition I presented. After the expression of feeling on the part of the

House, I think it is now my duty to state that I shall abandon my Motion for tomorrow—I shall not found any Motion upon that petition, but shall leave it between the Government and the country—between the Committee and those who signed it. I had no reason to doubt the statements they made to this House, nor was it with my consent, nor shall it ever be, that any delusion has been palmed upon it, or that I shall be a party to any delusion. But there is one thing which I may state fairly, freely, and frankly, and it is this—though it may be the duty of hon. Members closely to examine and nicely scrutinise the signatures of a petition presented to the House, I remember when a petition signed by 3,370,000 persons was presented by the hon. Member for Finsbury (Mr. T. S. Duncombe), and laid on the floor of the House. He never saw the petition till it was laid on the floor; and it would have been utterly impossible for me to have looked at all to signatures to this petition, so far as to be able to assure the House of their accuracy. I state this to show that I would not willingly, and could not, be cognisant of any deception practised upon the House, and could not, by possibility, avert the charge brought against me. I am glad I did not allow myself to be led away by that excitement to which the hon. Member, as he now states, presumed I had given rise, when he said the veracity of the Committee was impugned. Having performed his duty as a gentleman and a Member of Parliament, I perform mine, and tell him he was in error if he supposed it was my intention to cast any imputation upon the Committee. Having shown that there were no grounds for the attack upon me, and that I meant to cast no imputation upon that Committee, I think I have established a good and satisfactory basis for his gentlemanly retractation of the charge.

Subject at an end.

MINISTERS' MONEY.

Mr. FAGAN rose to submit the resolution of which he had given notice to the consideration of the House. He assured the House that he should occupy its attention as short a time as he possibly could, consistently with the importance of the subject he had to submit to its consideration, and consistently with the necessity he felt of explaining as clearly as he was capable, the complicated subject on which he had to ask the decision of the House. The Motion he was about to propose was not a novel one. It had been already submitted to the House four different times by his predecessor in the representation of the city of Cork, his excellent and learned Friend, Serjeant Murphy. It was proposed by that Gentleman in precisely the same words as the Motion now before the House, in 1842, 1843, 1845, and was agreed to by the House in 1844. If mere temporary success were his (Mr. Fagan's) object, he would have come down to the House with a proposition for a Select Committee of Inquiry. But he had sufficient experience in the House to know that these Select Committees were looked upon as the means of shelving a question, and as the most approved mode of relieving the Government from the reponsibility of either accepting or rejecting a question of the description he then submitted to the House. He saw no necessity for such a Select Committee, for all the information which could be obtained by it, was already in the possession of the House, in the reports and records upstairs. There had been already over 200 Select Committees and Commissions of Inquiry, regarding Ireland since the Union; and what had they effected? Nothing, absolutely nothing. Even the Devon Commission, which cost 25,000*l.*, had as yet produced no fruits. It was, therefore, he came forward with a proposition for the immediate abolition of the odious tax called Ministers' Money. He asked for leave to bring in a Bill for that purpose; and the forms of the House required that as the object was the abolition of one tax, and the substitution of another mode of payment, it was necessary that the House should resolve itself into a Committee of the whole House on a day subsequent to that on which the proposition was submitted and adopted. It had been said elsewhere that his Motion was informal. His simple reply was, that he submitted it to the first authority in that House, and that the opinion he received was that it was quite in form. Before he entered on the subject, he was anxious to state why it was that one so short a time a Member of that House, had undertaken to submit so complicated and difficult a question to the House. He had scarcely taken his seat in that House, when he had the honour to present a petition, signed by 16,500 inhabitants of the city of Cork, where the agitation against this Ministers' Money had for years been unremitting. On that occasion he stated it was his intention to submit a substantive resolution on the subject to the House. During his recess his constituents by a resolution of the town-council, concurred in by those who were always prominent in their hostility to this tax, called on him in his place in Parliament to bring on a Motion for its immediate abolition. It was, therefore, after many postponements over which he had no control, that he now presented himself to the attention of the House. He regretted that some person of more weight and influence—above all, that a member of the Established Church, had not taken his place. He was aware that there were several in that House who concurred with him; and his most anxious wish was that one of them should have undertaken the task. However, it was consolatory to think that it was not a party question—men of all parties in Ireland and of all persuasions were of opinion that this fruitful source of discord should be removed. The very fact of the Member for Dublin University coming forward as the representative of Protestant feeling in Ireland, with an Amendment having for its object the appointment of a Committee of Inquiry was itself sufficient proof how much the Protestants themselves wished for a settlement of the question. The very clergy who were the recipients of the tax were most anxious for some other mode of payment. They felt they were obtaining their incomes from the hard earnings of the poor Catholic occupiers of houses in the most Catholic towns in Ireland; for it was a very curious fact that though the Lord Lieutenant had the power under Act of Parliament of placing the tax on every corporate town in Ireland, still it was confined to the eight following towns, namely, Dublin, Cork, Limerick, Waterford, Kilkenny, Clonmel, Drogheda, and Kinsale—while the Protestant towns of Belfast, Armagh, Carrickfergus, Londonderry, and Bandon, were exempt. In Cork, six parishes out of seven were subject to the tax; and the relative numbers in 1833 were in these parishes 65,071 Catholics, and 11,905 Protestants, or nearly six to one. In Dublin there were nineteen parishes subject to the tax, containing, in 1833, 150,730 Catholics, and 55,472 Protestants, or nearly three to one. In Limerick two parishes out of six were subject to the rate, and these contained 14,929 Catholics, and 792 Protestants, or nearly twenty to one. In Waterford six parishes were subject to the rate, and they contained 17,794 Catholics, and 3,251 Protestants, or over five to one. In Kinsale there were 5,234 Catholics, and 1,070 Protestants, or over five to one. In Clonmel and Drogheda nearly the same proportion existed; and of course, in the census of 1841, these proportions would have been found considerably increased had an account of the numbers of each religion been taken. It was alleged that the reason the Ulster corporate towns were not visited with the tax was that there was there abundant provision in tithes; which was not the case in the southern corporate towns. He admitted the correctness of the statement; but still it did not mitigate the injustice and the inequality of this oppressive tax. This tax called Ministers' Money, was levied under the 17th and 18th Charles II., chap. 7. That Act empowed the Lord Lieutenant and his Privy Council to applot or value the houses in any corporate town having a cure of souls, and on that valuation to raise a tax of one shilling in the pound as provision for the Protestant minister. But the valuation could not exceed 60*l.* on any house, so that in point of fact where a wealthy Protestant inhabited a house worth 120*l.* a year, he paid but sixpence in the pound, while his poorer Catholic neighbour living in the old parts of a town paid more than two shillings in the pound on his real valuation, for under the Act there could not be a second valuation of the same house unless it was rebuilt; and as the old parts of the towns, as in Limerick and Cork, were formerly, when the valuations were made, inhabited by the wealthy and respectable, and were now the abodes of the working classes at a much reduced valuation, these poor people paid their Ministers' Money on the old valuation. But there was another more grievous hardship on the poor man under this Act. The churchwarden, who was the minister's collector, had the power of distraint. He was enabled to take away the miserable furniture of the defaulter, and sell it peremptorily and charge heavy costs. From the manuscript returns he had seen in the Journal-office, he found that some of the clergy in Cork returned the average number of distraints annually as fourteen.—Now if there were but one distraint it would have been one too many; not so much on account of the personal injury inflicted, as from the bitterness and rancour which it engendered. He had in his possession letters from Cork detailing most painfully the sufferings of the poor people from these districts. These evils were all admitted; but it was maintained by Lord Stanley and others that the tax ought not to be taken off from house property, as it would be making a present of so much to the landlords. In this opinion he did not concur. The tax was so small that if abolished off each house, the rent would not be raised, and consequently the occupier would be the gainer. The entire amount of the tax on Ireland was very trifling. In 1838, when Mr. Hutton represented the city of Dublin, he moved for returns of the monies received annually from this tax. By these returns it appeared that the amount then received came to 11,400*l.* a year. Since then it had considerably increased from two causes: first, because of new valuations; and next and principally, because of the punctual payment of the tax to enable the Catholic occupier to obtain his miserable municipal franchise under the stinted Irish Municipal Reform Act; and thus it happened that the Catholic since 1839 had been obliged to go under the yoke of the rich Protestant Church Establishment in order to reach at his franchise. If in the municipal form promised by the Government, the necessity of paying this tax was done away with, then in all probability the income of the clergy would be proportionably diminished, and therefore for them the present was the very best time for a settlement. In 1846 certain returns respecting Ministers' Money were moved for. Some of these returns were in the Journal-office—others were not sent in. But from those he had examined he was enabled pretty fairly to judge of the increase since 1838 of Ministers' Money. In Cork it was 50 per cent. In Waterford 10 per cent. In Dublin 33 per cent. In Clonmel 32 per cent. In Drogheda there was no increase. The average increase was 33 per cent; and allowing the towns which had not sent in returns to have had an increase in the tax in the same proportion it would give about 13,000*l.* a year, as the present amount of the tax. Now that was undoubtedly a small sum. But it was considered most annoying. It was looked upon as a sign of religious ascendancy. It was considered a degradation to be coerced to pay the minister of a religion with which the people had no communication—a minister who in his Lent Lectures, and 1st of November sermons, was, he was grieved to say, often in the habit of abusing the religion of the people from whom he derived his income. This indignity all parties in Ireland, though themselves free from the tax, felt painfully, and it became the duty of Parliament to at once remove it. In 1837, to avoid collision with 400,000 men who were resisting the payment of tithes—to prevent the shedding of blood, that question was settled. Would the House of Commons allow it to be said that it yielded then to its fear, but that now because it was a few towns were calling for relief, that as there was nothing to be dreaded, their demand should be refused. He trusted sincerely, in the present state of Ireland, that such would not be the case. This tax was from the earliest period after the Act of Charles, the subject of complaint. In proof of this he would read to the House a very curious document, a copy of which he had obtained from the British Museum. It was an Act of Parliament, and yet not to be found in the statutes of the realm. It was passed in 1689 by the Parliament summoned by James II. in Dublin. It recited the provisions of the Statute of Charles, and then declared—

> "That whereas the duties and payments under said Act appear to be a new imposition, and are become very grievous and oppressive to the inhabitants of cities and towns corporate within this kingdom, be it therefore enacted, that so much of the said Act as extended to the granting, imposing, or securing the duties and payments of 12 pence in the pound aforesaid, be and is hereby repealed."

This tax had always been felt as a grievous impost by the people of Ireland; yet from the days of James up to 1842 it was never submitted to the consideration of Parliament. As he had before stated, Serjeant Murphy brought before the House the question in 1842–43–44 and 1845; and the Ministers of those days—Lord Elliot, Mr. Stanley, Sir Thomas Freemantle—one and all—admitted it was a great grievance, and expressed their anxiety for its abolition. Mr. Stanley went so far as to say that he hoped before the then Session had concluded to be able to introduce some measure on the subject. The great, the only difficulty was the discovery of a substitute. Serjeant Murphy did not think it his duty to find a substitute. He held most truly that as the Government admitted the existence of the grievance, it was their duty to abolish the tax, and find themselves a substitute. But he had seen enough to be convinced that to ensure success, it was necessary for him to endeavour to find the substitute. The Church Temporalities Act suggested to him where the substitute could be found. That Act was passed for the purpose of abolishing church-cess. Now, church-cess, though larger in amount than Ministers' Money, was not so unequal or unjust a tax. It was not limited to a few towns—neither was the mode of its assessment so unfair; and yet to get rid of it, ten bishoprics were suppressed—the incomes of the clergy were taxed, and benefices were suspended. He was anxious to read to the House two extracts from the speech of the present Lord Stanley on the debate on the Church Temporalities Act, and also an extract from the report which he drew up, on which that Act was framed—because these extracts were most applicable to the more odious tax of Ministers' Money. In the debate Mr. Stanley says—

> "It was the general opinion that for the sake of the tranquillity and good order of the country, a different distribution of church property should be made, for let it be understood that the mode in which the money was collected in many cases, was more annoying to the Catholics than the mere burthen of the amount collected."

Again he says—

> "The measure which the Government submitted was one of relief from a burthen which was found oppressive. It was one which the best friends of the Church thought would be not only a relief to the great mass of the people of Ireland, but also a great advantage to the Church itself. It was, he repeated, a practical measure—a measure of conciliation which he hoped would prove, not only one which would unite Protestants and Catholics in bonds of closer union, but would serve more closely to unite England and Ireland."

In the report he thus writes :—

> "The levy of church-cess for the building and repair of churches and for the due celebration of divine worship, is a tax trifling in amount, but peculiarly difficult of collection—peculiarly obnoxious to the feelings, not only of Roman Catholics, but also of a great proportion of the Protestants of Ireland, and of which the advantages of the Established Church are far more than counterbalanced by the odium attending its enforcement."

Such were the opinions of Lord Stanley regarding church-cess, and they certainly applied with far more force to Ministers' Money. There were three substitutes suggested to his mind by the Church Temporalities Act. Under that Act the incomes of clergy and bishops were subject to a tax after avoidance by death or removal. At present no income under 300*l.* a year was subject to the tax, and at 300*l.* it was but 2½ per cent. When Lord Althorp introduced the Bill in the Commons, he made incomes of 200*l.* subject to the tax, and placed 5 per cent on it as the lowest rate. A small additional rate could be very fairly placed on these livings and bishoprics to meet the Ministers' Money. There were 600 benefices ranging from 300*l.* to 800*l.* a year—say, averaging 500*l.* a year; if 2 per cent was put on them it would bring in 6,000*l.* a year. There were seventy-five livings from 800*l.* to 1,000*l.*, which at 3 per cent tax would yield 1,800*l.* a year. There were seventy-four livings at from 1,000*l.* to 1,500*l.* a year, which, at 4 per cent, would give 2,960*l.* There were ten at from 1,500*l.* to 2,800*l.* a year, which at 5 per cent gave 1,000*l.* The incomes of the bishops which were not suppressed may be set down at 60,000*l.*, which at 5 per cent would yield 15,000*l.*, making together 26,760*l.* a year, which would be double what was required for a substitute for Ministers' Money. The only objection to this was, that as the tax could not be payable until the avoidance of the livings, it could not come into immediate operation. Again, there were in Ireland 151 benefices without any Protestant—198 with less than ten, 194 with less than twenty, making in all 543. Now of these, 100 dignities without cure of souls, and 168 benefices where divine service was not performed for three years before 1833, were now under operation of the Temporalities Act, leaving 275 benefices, which ought to be also suspended when they became void. Now, bearing in mind that there were in Ireland but 200 livings, not including perpetual curacies, under 200*l.* a year, it was not too much to rate these livings at 150*l.* a year, making together 41,250*l.*, from which deduct 27,500*l.* for curates in place of beneficed clergy at salaries of 100*l.* a year each, this would leave 13,750*l.* for Ministers' Money. But here again this plan was defective, because it could not come into immediate operation. He would now come to the substitute which he proposed in the Bill he had prepared—this substitute was suggested to him by the 73rd section of the Act, which clearly indicated that all assessments for Church purposes, including the payment, should be abolished. It enacted—

> "That all parishes and places where by virtue of any law, statute, or custom, provision may heretofore have been made by vestry or other assessment for the maintenance of any curate, lecturer, clerk, or other minister, or assistant in the celebration of divine service—such provision by vestry or other assessment, shall, from and after the passing of this Act wholly cease and determine, and it shall and may be lawful for said Commissioners under said Act, by and out of the proceeds of said annual tax and other funds aforesaid by this Act vested in them, to provide for all such purposes," &c. &c.

This clause would seem clearly to indicate that the funds of the Ecclesiastical Commissioners if sufficient should be appropriated to pay the ministers who now received their incomes from assessment. Lord Campbell, so late as 1846, in presenting a petition from Cork to the House of Lords, expressed his surprise that this Ministers' Money was not with the church-cess included in the Church Temporalities Act. His conviction was, that it was so intended, but was overlooked; and his object was to rectify that error, as he was quite satisfied there were ample funds for the purpose at the disposal of the Ecclesiastical Commissioners. The Church Temporalities Act constituting the Ecclesiastical Commissioners was passed in 1833. That was fourteen years ago. Their funds were derived from the following sources: suppressed bishoprics, suspended benefices where there was not divine service performed for three years before 1833, suspended prebendaries and dignities not having cure of souls, and disappropriated tithes from benefices over 800*l.* a year; an annual tax upon benefices of over 300*l.* a year, and on bishops' sees; the fund from the sale of perpetuities, and other items to which it was unnecessary then to allude. Now the principle, as regards the revenues from suspended benefices, dignities, and the annual tax was, that the revenue did not accrue until avoidance, since 1833, by death or removal. It was evident that the revenues from these sources at the beginning were very low; for instance, in 1835 the annual tax came but to 7*l.* 5*s.* 7*d.*, while in 1846 it came to 9,323*l.*; and in 1837 the first receipt from suspended benefices came to but 1,747*l.*, and in 1846 to 20,783*l.* Therefore, after the lapse of so many years the avoidances must be every year increasing until all are avoided. On the other hand, the expenditure is comparatively stationary. Now, bearing all this in mind he would proceed to show a surplus in the funds of the Ecclesiastical Commissioners applicable as a substitute for Ministers' Money. He would take the year 1846—for the receipts in 1847 were not a fair criterion by which to judge, owing to the difficulty of getting in their income, by reason, as the Commissioners say, of the prevailing distress. The amount received from suppressed bishoprics, to August 1846, came to 42,770*l.* Since then the bishopric of Kildare became vacant, which in 1833 was valued at 6,061*l.*; and the revenues of the deanery of Christ Church had come in to the Commissioners. This, in 1833, was estimated at 5,314*l.* The payment now received from the bishops of Derry, comes to 4,160*l.*, making altogether 58,305*l.*, as the present incomes from these bishops' sees. After the death of the Archbishop of Armagh, it will be increased by 4,500*l.*; after the Bishop of Derry's, 2,000*l.*, and Bishop of Clogher's, 8,968*l.*, making 15,168*l.* future increase under that head, but not to be taken into account now. The receipts from suspended benefices in 1846, came to 20,782*l.* But as the receipts in 1845 were but 10,397*l.*, he supposed a large sum was due in arrears of the former years. He would therefore estimate the regular income in 1846, at least 15,000*l.* Now there are in all but 168 benefices where there was not divine service for three years previous in 1833; of these, but forty-one have yet been avoided, leaving 127 to be yet voided. The annual average increases since 1834 have been four. Take each voided benefice at 100*l.* a year. That would give 400*l.* a year increase on that item. There were 100 dignities and prebends without cure of souls. Of these 45 are already voided. The annual voidances are four: set down each at 150*l.*, which is a low estimate, when it is recollected that the whole 100 was estimated in 1833 at 26,000*l.*, or 260*l.* each. That will give 600*l.* increase, or 1,000*l.* on both items; which for two years, from 1846 to 1848, would make 2,000*l.* increase on 15,000*l.*; that is, 17,000*l.* being the present income from that source. When all the benefices will be suspended, the revenue will come to 12,300*l*, and from dignities and prebends to 26,000*l.*; making both together 38,300*l.*, instead of the present 17,000*l.* The tax on benefices and bishoprics in 1846 came to 9,323. There are 760 benefices liable to the tax — of these 350 are now paying it, and 410 are yet to pay — about 30 a year are the annual avoidances; and suppose each worth 5,000*l.* a year—which is not much when it is considered that these benefices range from 300*l.* to 2,800*l.* a year — that would give 15,000*l.* a year voided, which, at 5 per cent tax, would be 750*l.* a year increase, or 1,500*l.* for the two years, which added to 9,323*l.* makes 10,823*l.*, the present income from the annual tax. The perpetuity fund amounted in 1847 to 14,913*l.* The smallest sum ever received in the was year 11,373*l.* There has been 514,152*l.* already received. The Commissioners in 1836 valued the whole at 1,200,000*l.*, leaving 688,825*l.* to be yet disposed of. The annual number of purchasers, of late years, was 40. It will be necessary to give a stimulus to induce purchasers. The present bonus of 4 per cent is not sufficient inducement to convert the present leases into perpetuities. He would in his Bill give 7 per cent bonus, and he would allow the purchaser to pay by annual instalments of 10 per cent, subject to 4 per cent interest. By that means purchasers would become more numerous. He would, therefore, set down the annual receipt from the perpetuity fund at 15,000*l.* The interest on the perpetuity mortgages may be set down at 2,500*l.*, and private subscriptions for enlarging and building churches at one-fifth the whole expenditure, or 2,400*l.* That would make 106,028*l.* as the annual permanent revenue of the Ecclesiastical Commissioners. The expenditure was as follows: For building and enlarging churches he set down 12,000*l.* a year: in 1843 this item came to but 9,656*l.*; in 1844, to 11,468*l.*; in 1845, to 8,900*l.*; in 1846, to 10,500*l.*; and in 1847, to 9,300*l.* Repairs of churches he would set down at 20,000*l.*: in 1844 this item came to 15,608*l.* for repairing 1,000 churches; in 1845, to 16,458*l.*; in 1846, to 18,469*l.*, when three-fourths of the churches in Ireland were repaired; and in 1847, to 13,376. For divine service the annual expense he would set down at the highest it ever came to, 35,000*l.* a year. The payment to curates in 1847 came to 8,974*l.*: he would estimate it at 10,000*l.* a year. These four items he set down at sums much higher than they ever before reached. The next item he would reduce from 6,500*l.* to 4,515*l.*: he meant salaries. There were now three paid Commissioners at 1,000*l.* a year. He proposed that in future there should be but one at a salary of 1,500*l.* When he considered that there were architects to look after the churches at the cost of 3,500*l.* a year; solicitors to attend to the law, and agents, at the cost of 1,500*l.* a year, to look after the estates—besides a secretary, and treasurer, and seventeen clerks—he felt convinced that one paid Commissioner was quite sufficient. This, with other trifling reductions, would bring this item of expenditure down to 4,515*l.* There would then be law expenses 1,500*l.* a year, and incidentals 1,500*l.* a year, making the whole annual expenditure 84,515*l.*, which taken from the income, 106,028*l.*, leaves 21,513*l.* to 13,000*l.* Ministers' Money, with a surplus of 8,513*l.* to meet errors of contingencies. Now, it is said, that notwithstanding this, the Ecclesiastical Commissioners state they have no funds. This is quite true, for they owe 40,000*l.* to the Government, being the balance of 100,000*l.* they borrowed under a special Act of Parliament at a time when their funds were low. Of this 100,000*l.* they repaid 30,000*l.* in one year, and for the last three years paid 10,000*l.* a year. Now, he would call on the Government not to call in this money for ten years, the Commissioners paying interest for it. At the end of that time they would have ample funds to enable them to repay the capital. The 66th Section of the Church Temporalities Act gives up any money lent by Government to the Board of First Fruits, provided the money had been expended in repairing churches. A greater part of the million loan to the clergy was forgiven. Would it then be too much to ask Government not now to enforce this debt of 40,000*l.*, and not allow it to stand in the way of a settlement of the question? Such was his substitute, and his plan. He would simply ask of the House permission to bring in his Bill and allow it to be read a first time. There could be no fair objection to this, for the grievance was admitted, and it was simply a question of detail. If his details were not correct, then, on the second reading, let his Bill be thrown out. He was sure he might appeal for support to those who were anxious to allay all religious rancour in Ireland. He would appeal for support to those who maintained that the property of the Church should be appropriated alone to Church purposes. He would, with confidence, appeal for support to those who took so distinguished a part in the debates on the appropriation of the surplus revenues of the Church to national purposes—particularly, were he in his place, would he appeal for support to the right hon. Secretary for the Admiralty, whose name was venerated in Ireland because of the prominent part he took in those debates. He would appeal for support to the noble Lord Her Majesty's First Minister, whose speeches on the Church question in 1836 and 1847 were so replete with eloquence and patriotism—who, in 1846, declared that he accepted office solely in the hope of carrying out his plans for the amelioration of Ireland. He appealed to him especially at this particular time, for he recollected his memorable saying in 1836—

"That the first cannon shot fired in anger in Europe would be a signal of justice to Ireland." That cannon shot had been fired, and already the Treaty of Vienna is torn to fritters, and Ireland is not in a state to be trifled with. Above all, and before all, he appealed to the House of Commons that in 1834 pledged itself before the Sovereign to redress the real and proven grievances of Ireland. The demand he made was trifling; but still the granting of it would show a disposition to do justice; and though they heard, on all sides, that there was much disaffection in Ireland, still he felt convinced, if this trifling boon was granted, it would tend much to allay the feelings of the people, for it would be the first indication of a desire to do justice to that country.

Sir W. SOMERVILLE said, his hon. Friend had at the commencement of his speech apologised for his taking up the question, not being a member of the Established Church; but he was sure that his hon. Friend had not said one word which could give the slightest offence to any member of the Established Church. This subject had been frequently discussed in the House. Many of his predecessors in office had been anxious to abolish this tax, among whom he might notice Lord Stanley, Lord St. Germans, and the noble Lord the Member for Falkirk (Lord Lincoln); but one and all of them had failed in finding a substitute for it. His hon. Friend had also correctly stated that the clergymen of the Established Church were themselves anxious for a change in the law; but none of these plans seemed to him to provide a satisfactory settlement, because they must take care, in settling this question, that they did not confer a boon upon the rich owners of property, while the poor occupiers were not in the least relieved. He was not aware, till lately, that when in office, Lord St. Germans had obtained various returns upon this subject, relating to the property that was rated, and the property that was not; the amount levied on certain houses, together with those districts of towns that were subject to the tax, and those that were not. These returns were not yet printed; but he believed that they would very speedily be laid before the House. Even under these circumstances, therefore, he thought he might ask his hon. Friend to pause, and not press his Motion to a division, because it would not tend to advance his object. But, besides this, there were two hon. Gentlemen, the hon. Member for the University of Dublin, and his hon. Friend the Member for the city of Dublin, who had both of them notices on this subject—the first in the shape of an Amendment; and the other, proposing a Select Committee to inquire into the subject. As to the Amendment of the hon. Member for the University of Dublin, he thought it did not go quite far enough; but he was willing to assent to the Motion for a Select Committee; and, therefore, he was the more inclined to ask his hon. Friend to withdraw his Motion. If the Select Committee was agreed to, far from wishing to shelve the question, he would enter upon the inquiry with the most sincere desire to bring the subject to a satisfactory conclusion.

Mr. GEORGE A. HAMILTON was glad the right hon. Baronet the Secretary for Ireland had preceded him in the debate; for the observations the right hon. Baronet had made in reference to the Motion of the hon. Member for Cork, would render it unnecessary for him to trouble the House with any lengthened argument in opposition to that Motion. He was quite ready to admit that the present state of the law respecting Ministers' Money in Ireland was unsatisfactory, and required amendment; this had been admitted in all previous debates which he recollected on this subject. It had been so stated by almost every Secretary, as the right hon. Baronet the present Secretary had remarked; and the necessity of amending the law had also on these occasions been admitted by those who more particularly represented the clergy in that House. The clergy also themselves, in those towns where the Ministers' Money formed their income, were equally desirous that it should be placed on a different and more satisfactory footing. It was on this account that he himself proposed that a Committee of Inquiry should be appointed. But when the hon. Gentleman the Member for Cork brought forward a Motion aiming at the abolition of Ministers' Money, involving, therefore, the appropriation principle—withdrawing their support from the town clergy, without providing an equivalent, except such an equivalent as would trench upon the other property of the Church—it was scarcely necessary for him to say he must offer to that Motion his most strenuous opposition. He (Mr. Hamilton) could not see on what grounds of justice the abolition of Ministers' Money could be urged. It was an ancient charge—so old as the reign of Charles II.—on certain towns. Subject to that charge houses had been built and purchased, and all the arrangements of property made; and the effect of abolishing it would be to raise the rent of those houses to the extent of the present charge, and thereby give a boon and benefit to the owners, to which he could see no reason for considering them entitled. The points in which the law was defective, and which, he thought, required inquiry, were these:—The valuations, as stated by the Member for Cork, were old and imperfect. Some of them, he believed, were more than a century old. In the progress of time the value of houses had materially altered; parts of those towns where formerly houses were fashionable and valuable had fallen into decay, and the value of houses had become deteriorated: other parts, formerly of little value, had risen in value, and yet the valuation for Ministers' Money remained the same. This, no doubt, was unjust and unequal. The mode of recovery also, the only mode which the clergyman possessed by law, was by distress of the occupier's goods. This, also, he thought most objectionable; and to those points — the more equal adjustment of the charge, and the means of its recovery—he was most willing that the inquiry should be directed. Now, he must first call the attention of the House to the case of the clergy in those towns where Ministers' Money existed. It could not be said that the amount was unnecessary. It constituted, in fact, nearly the whole of the income of the clergy in some towns. The whole amount of Ministers' Money in Ireland, when the last returns were made, being 11,500*l.* (it may have been somewhat increased since, as stated by the hon. Member for Cork), 8,238*l.* was in Dublin, and 1,591*l.* in Cork. The question, therefore, may be taken as referring to Dublin and Cork. In Dublin there were nineteen benefices receiving Ministers' Money; of these nineteen, the net income was 9,005*l.*, and of this 9,000*l.* no less than 8,328*l.* was made up by Ministers' Money. In Cork there were seven benefices similarly circumstanced. The net income of those seven benefices was 2,614*l.*, of which 1,591*l.* was made of Ministers' Money; so that it was obvious that the tax proposed to be abolished formed the income of the clergy in those towns. He need scarcely remark, that the duties of the clergy in those towns were most onerous, laborious, and extensive. One of them, the Archdeacon of Cork, thus expressed himself in a letter to him:—

> "In my own parish, containing 2,500 Protestants, I have two curates unceasingly and zealously employed in a poor and declining district, in addition to my own services; and but that it forms a part of the corps of the archdeaconry, the income would not support a single clergyman. Two of the city clergymen are obliged, from the poverty of the clergyman's income, to have curates paid by the Curates' Society."

He had other letters to the same effect. But the hon. Member proposed a substitute, and he had gone into a long statement with regard to the property of the Established Church. He would not follow the hon. Member through that statement at present—a fitter opportunity would be afforded by the Motion of the hon. Member for Montrose, of which he had given notice; but he could assure the hon. Member for Cork, as far as he had been able to collect his figures, he was quite mistaken in the estimate he had made of the amount of that property. But the hon. Member had proposed, that the clergy in those towns should be paid out of the funds of the Ecclesiastical Commissioners; and he had intimated that they had, or were likely soon to have, a large surplus at their command. Now, in the first place, he must remind the House, that even if there were a surplus, it is already appropriated by the Church Temporalities Act to other purposes. The 63rd section of that Act provides that the funds of the Commissioners shall be applied, in the first instance, to the providing things necessary for divine service; the payment of clerks and sextons, and the building and repairing of churches. And the 77th section enacts, that any surplus shall be applied, first, in building churches or chapels when one-fifth is subscribed by inhabitants; secondly, in building glebe-houses; and, thirdly, in augmenting benefices where necessary—the surplus, therefore, if there was a surplus, is expressly appropriated. The hon. Member had endeavoured to show that there was or might soon be a surplus. But what was the language of the Commissioners themselves? Why, in their very last report, dated August, 1847, they state this—

> "The Commissioners think it right to observe, that they have before them a great number of applications for rebuilding, enlarging, &c., many of which are of a very pressing nature, and which they are unable to attend to from the present state of their funds."

They further state that large loans had

been raised by private subscriptions, and that four new churches had been erected during the year, altogether by private means. And in the correspondence which took place between the Lord Lieutenant and the Commissioners, two or three years ago, the Commissioners thus express themselves. They state—

> "That they are not able as yet to retain any portion of the sums arising from perpetuity sales as capital, having expended the entire in supplying the deficiencies of their income from other sources."

They state, also, that the episcopal members of the Board have stated that applications are kept back, because it is notorious that the state of the finances of the Commissioners hold out no prospect of success, except in pressing cases, and that the applications presented to the Board for the last five years, fall very short of an adequate representation of the wants of the Church in such matters: that the applications of this nature before the Board amount to 136,992*l*., out of which they propose an outlay of only 26,836*l*. Now, with regard to the pressing nature of these applications, he was unwilling to weary the House with details; but if any hon. Member would just look to the list and nature of the cases set forth in the appendix to that correspondence, he was sure it would be admitted that the cases were such as to require aid, if funds were available for the purpose. Take the case that stood first on the list, Ballymore, in Armagh:—

> "The memorial states that the church is supposed to seat about 450, Protestant population being 3,135—large subscriptions offered."

Kilmore:—

> "The church holds at present 110 persons conveniently, while the congregation is upwards of 700; also, in 1846, that the congregation being pent up in the church, could endure it no longer, and were determined to avail themselves of two Dissenting houses near the church."

Abbeyleix:—

> "The church requires enlargement; the Protestant population having increased, since the last Protestant census, from 1,008 to at least 1,300—subscriptions to the amount of 400*l*. tendered."

These were only specimens of the demands on the funds of the Commissioners, which they were unable to answer. The right hon. Baronet opposite had suggested, with regard to the Amendment which he had to move, that it was somewhat restricted in its wording. He had no objection to extend it further, and would readily consider any additional words which the right hon. Baronet might propose, provided, however, that the words should not imply the abolition of Ministers' Money, or the providing a substitute for it out of the funds of the Established Church; for although he was willing and anxious that any grievance or injustice in the present mode of assessing or levying Minsters' Money should be remedied, he could not consent to any inquiry which implied either its abolition or an appropriation of any part of the Church property from its present purposes. The hon. Gentleman concluded by moving—

> "That a Select Committee be appointed to consider and report upon the state and operation of the Laws respecting Ministers' Money in Ireland, and to report whether any and what amendments in those Laws would be expedient."

Mr. M. POWER appealed to the House whether, for the sake of the paltry sum of 12,000*l*. or 13,000*l*. a year, it was politic or expedient to keep up the heartburnings which prevailed on this subject in Ireland? They all lamented the bitter feelings, the hostile encounters, and even bloodshed, which had distracted and disgraced Ireland for so many centuries; and this unhappy state of things had been produced by nothing so much as by the exaction of those taxes and tithes, which were a galling remnant of foreign conquest, and which hourly reminded the people of their degraded state. Besides irritating the people, these exactions placed the clergy in a false position by exhibiting them as ministers of Mammon in place of ministers of Christ. He hoped, then, that means would be taken to remove this grievance. His hon. Friend had pointed out a substitute; but it would have been sufficient for him to have pointed out the injustice and the inexpediency of the tax, and to have left the Government to find out a substitute for it if they chose. Considering the immense revenues of the Established Church — amounting (according to a statement made by Mr. Ward, in 1834), to 650,753*l*., or to 18*s*. a head for every Protestant in Ireland—it would be hard indeed if some substitute for this petty tax could not be easily found. The Catholic Church in Ireland afforded an excellent example of the efficiency of the voluntary principle of supporting religion; and was it not preposterous for a people who made such exertions for the support of a religion which they believed to be true, to be compelled at the same time to support a Church whose doctrines they believed to be erroneous?

Viscount BERNARD doubted whether

the contributions of the Roman Catholics of Ireland to the support of their Church were of the voluntary nature which the hon. Gentleman who spoke last seemed to suppose. With regard to the question before the House, he conceived that the proposal of his hon. Friend the Member for the University was one which would be likely to effect a satisfactory arrangement. If they abolished Ministers' Money, they would leave a great body of the most respectable clergy of Ireland totally unprovided for. But it was proposed to apply the funds of the Established Church in lieu thereof; whereas it was notorious those funds were wholly inadequate to the support of the Protestant Church herself. [" Oh, oh !"] Did the hon. Member for Kerry deny that fact ? Did he deny that the Ecclesiastical Commissioners had stated to Lord Heytesbury that they had not funds sufficient to provide for the wants of the Protestant Church ? [Mr. Morgan J. O'Connell: No, no!] If he doubted that statement, let the hon. Member refer to the report. [The noble Lord here read an extract from the report in confirmation of his assertion.] He hoped that, instead of further continuing this discussion, they might be allowed to have a Committee, where the subject might be fully and fairly considered. If they removed the tax from the occupier, they would be simply making a present of it to the owner of the property. When Ministers' Money was first instituted, there were no Roman Catholics resident in those corporate towns, and every acre of ground that had been purchased, and every house built, was so purchased and so built with the knowledge that the tax must be paid. His belief was, that there was something behind the scenes—that it was not merely the ministers, not merely the poor, that were to be the gainers. As he had already observed, he was perfectly ready to agree to a Motion for referring the subject to a Select Committee; but if it was to be referred to such a Committee, he consented to it on the sole understanding that no pledge, direct or indirect, was given for touching the revenues of the Irish Church. He valued that Church, because he believed that it was one of the most powerful links existing for the preservation of the Union of the two countries. ["Hear!"] The hon. Member for Montrose (Mr. Hume) said "Hear;" but he could tell the hon. Member that he supported that Church upon still higher grounds; he believed, in his conscience, that her doctrines were true; and that, if her downfall were accomplished, it would be with the view of establishing the Roman Catholic Church in her place. Entertaining these opinions, and being also of opinion that the Established Church of Ireland was the only security for the maintenance of civil and religious liberty in that country, he should give his opposition to the Motion of the hon. Member for Cork.

Mr. HUME could not agree with the opinions or sentiments of the noble Lord who had just spoken. He most deliberately declared his opinion that but for the Protestant Church in Ireland, maintained against the wishes of the majority of the people, that country would not be in her present state of misery and destitution. He believed that Church to have been the principal cause of her evils, and that no peace or order could be expected in Ireland till it had ceased to exist. That time, although he might not live to see it, would soon arrive. They had heard statements to the effect that distresses had been made on the miserable effects of the poor, and that their very beds and blankets had been taken to pay this money. So great were these evils, that the clergy themselves objected to this rate. It was certain the people did so; and if the statement as to the clergy were true, there was no reason why this impost should be continued, opposed as it was to the wishes of both parties. If the sentiments of the noble Lord were to be taken as the type of the feeling of his class in Ireland, he (Mr. Hume) should indeed despair of that country. This was an English and a Scotch, as well as an Irish question; and the people would soon find out the folly and expense of sending 30,000 or 40,000 bayonets to Ireland to maintain the Protestant Church Establishment. Ministers were asking for measures of coercion for Ireland; but it would be well to consider in how far they were themselves the cause of agitation and disturbance there, by refusing to remove just grounds of complaint. He did not consider a Committee necessary, for the House was fully informed of the nature of the evils complained of; and he trusted to hear the Government say that they would in this matter make their first peace-offering to Ireland—that they would at once remove those evils, and declare their intention to devote the surplus revenues of the Church to the education and interests of the people.

Sir G. GREY was afraid, from the

tone of the preceding speaker, that the House would be led away into a discussion foreign to the question before them. He admitted there were practical grievances respecting Ministers' Money, for which a remedy should be found; more particularly as those who received as well as those who paid the tax were anxious for its modification or removal. In 1844 a similar Motion came before the House, when it was admitted that the subject deserved the consideration of Government; and Lord Stanley expressed a hope that the Government would be able to remedy the evils of the tax. That, however, they had not been able to do, and he was afraid the present Government would not be more successful. The hon. Member for the University of Dublin asked for inquiry as well as the hon. Member for Cork; and he (Sir G. Grey) did not think there was any substantial objection to its institution. He thought the hon. Member for the University of Dublin might submit to the addition of a few words to his Amendment, which would make it agreeable to the hon. Member for Cork.

Mr. REYNOLDS objected to the Ministers' Money, because the Roman Catholics, the Presbyterians, and others of the various creeds into which our common Christianity was split, were compelled by law to pay for and support a religion from which they dissented; besides which, there was gross inequality in the tax. In the city of Dublin it operated most injuriously. The total annual amount of Ministers' Money in Ireland was 15,000*l.*; and he asked whether it was worth while to maintain an impost so unjust and so insulting to the generality of Irishmen? No man who was in arrear of this Ministers' Money could enjoy the municipal franchise; and last year Mr. Alderman Butt lost his seat in the town-council in consequence of being in arrear.

Mr. MONSELL trusted, that his hon. Friend the Member for the city of Cork would persist in his Motion, and take the sense of the House upon it. He could not see how there could be any objection to going into the proposed inquiry, when the injustice complained of was distinctly admitted.

Mr. NAPIER said, he wished to bring back the attention of the House to the real question on which they were to decide, and that was, whether this portion of the Church property was to be abolished *in toto*, or rather transferred from the Church; or whether an inquiry should be made by a Select Committee into its details, so as to rectify any inequality of pressure in its assessment? The question had been discussed by the Gentlemen opposite on the general policy of supporting the Church Establishment; on that he was prepared to join issue with them. If the union between the two countries was to be maintained, the preservation of the rights of the Church was essential. This was not his own opinion merely, it was the opinion of an eminent Roman Catholic gentleman of great influence. After reading the statement of Mr. Blake, that the Church was the main bond of union between England and Ireland, he said that, although the hon. Member for Montrose had denounced the Church in no measured terms, he would venture to assure him, that wherever its real influence was felt in Ireland, it was accompanied by all the temporal advantages of prosperity, industry, and social order. Now, what was the nature of the Motion of the hon. Member for Cork? Why, it was to extinguish this portion of Church property which was originally a charge on the property of Protestants; for when it was created, the property charged by it was exclusively held by Protestants. Whoever, therefore, enjoyed that property, took it subject to this charge, which was not a charge on the person, but on the property; and unless a Roman Catholic tenant should not pay rent to a Protestant landlord, or a Roman Catholic debtor should be excused from paying a Protestant creditor, no reason could be suggested for the proposed abolition. As to the inequality of the assessment, or any matter connected with the levying of the tax, the Amendment of his hon. Colleague fairly provided that it should be remedied; yet this was the only argument of the hon. Member for Limerick in favour of abolition. As to the analogy of the vestry-cess, that was a personal tax, and therefore afforded no reason in favour of abolition. Who would be benefited by abolition? Not the occupier, because the amount of rent would depend on the amount of other charges; and why should the owner, who obtained the property subject to the charges, deprive the Church of property given to it by the law? The Protestants of Ireland merely asked that the property of their Church should not be confiscated —it was guaranteed by the Act of Union, and by the Act of Emancipation, and that embodied in the form of oath, and re-echoed in all the enactments. He trusted, a body of English Gentlemen, such as he saw around him, would never consent to any act of spoliation of any part of the property of the United Church of England and Ireland.

Mr. SHEIL made great allowance for the vehemence of the hon. and learned Gentleman who had just addressed the House, having come hot and reeking from the hustings of the University of Dublin; but the hon. Gentleman would forgive him for telling him that many who had heard him would lament the resignation of the right hon. Frederick Shaw. The hon. Gentleman was mistaken in supposing that the proposition made to-night for the abolition of Ministers' Money involved the abolition of any part of the Church property. It did not. It was not proposed by any man in that House to deprive a single Protestant clergyman, performing duties in the respective towns of Ireland charged with Ministers' Money, of a single shilling of his revenue. Nay, more, it was not proposed that the successors of the actual incumbents should be deprived of their revenue, because the clergy in the great towns of Ireland were not sinecurists; they had real duties to perform; and he was not acquainted with a single Roman Catholic gentleman who held that a Protestant clergyman ought not to be paid in a manner most fully commensurate with the functions he had to discharge. The real question to be considered was, whether a most obnoxious tax—admitted to be so on all hands—might not be abolished consistently with the principles preferred by hon. Members on the other side of the House. In his judgment the Ecclesiastical Fund in the hands of the Commissioners was fully adequate to discharge every purpose to which it had been applied, and might be used in the same way as it was employed for the purpose of removing church-cess, an impost of the most grievous and galling kind. By the Church Temporalities Act it was provided that church-cess should be abolished, yet that impost was not of so obnoxious a character as this, it being a charge at common law, whereas this was statutary. The Act provided that churches should be built, small livings augmented, and diocesan schoolmasters supplied with the means of livelihood, and that without trenching on church property. Could it possibly be maintained that they would be alienating church property, when they proposed to apply to an ecclesiastical purpose the same fund which was used for other ecclesiastical purposes? He did not coincide with his right hon. Friend the Secretary for Ireland, when he said he did not believe the Ecclesiastical Fund could be used in substitution for this impost. [Sir W. Somerville: I never said anything of the kind.] He was glad to find he was mistaken. He had the accounts before him, and they furnished this statement. The Ecclesiastical Commissioners were authorised by Act of Parliament to borrow 100,000*l.* from the Board of Works; that the debt had been reduced to 40,000*l.*; last year they paid 10,000*l.* in liquidation of that debt. What, then, was it requisite to do? To leave the debt of 40,000*l.* standing, to pay the interest of that at 5 per cent, and to abolish Ministers' Money until a new fund should arise. But there was a new fund as it was. The Ecclesiastical Commissioners stated in their last report that upon the death of the present Bishop of Clogher their funds would be augmented by the sum of 8,860*l.* a year. On the death of the Bishop of Clogher they would come into the receipt of 8,860*l.* a year. And why should they not then be able to replenish the coffers of the Established Church? If this was practicable, why should the abolition of so odious an impost be stigmatised as robbery of the Established Church? The Church Temporalities Act might be amended, and ought to be amended. Was the House, was the country, aware that by the Church Temporalities Act larger revenues were secured to the bishops of Ireland than to the bishops of England? It was understood that the bishops of England were to receive no more than 5,000*l.* a year. But how were the Irish prelates paid? Take the case of the Archbishop of Armagh. Before the acting of the Act in question, his revenue was 16,000*l.* a year. It had been reduced by the Act, but it still amounted to as large a sum as 12,000*l.* That, to be sure, was the case of an archbishop. But take the case of the Bishop of Derry. When that prelate was appointed, it was stipulated that he should acquiesce in any terms which the Government might think fit to propose. The condition they imposed was, that he should pay 4,000*l.* a year into the Ecclesiastical Fund. The balance, however, was worthy of acceptance. The splendid residue amounted to 8,000*l.* a year, and that sum was secured to him and to his successor.

Not one shilling would he (Mr. Sheil) take from that meritorious Christian bishop; but he was most decidedly of opinion that the revenue of his successor ought to be curtailed; and so it should be with all the Irish bishoprics. The revenues of the Irish bishops exceeded those of the English. Was he to be told that that anomaly ought to continue? Assuredly it ought not. But to go back to the tax. There was a remarkable historical fact connected with it, which showed how obnoxious and detestable it had ever been considered. The circumstance had been already referred to by the hon. Member for Cork; but as the House was thin at the time, he would make no apology for repeating the allusion. The Catholic Parliament of James II., following the example of the Protestant Parliament that had gone before it, seized the whole of the Church property for Catholic purposes. The property of the Protestant Church was transferred to Catholic priests. But what was done with Ministers' Money? Was it too transferred to the priests? No; the Act of James II. expressly recited that Ministers' Money was not recognised by the common law; that it was imposed by statute; that it was a grievous imposition; and in conformity with the wishes of all parties it was declared to be abolished for ever. The thorn was small, but it was attended with peculiar exacerbation. He would advocate its entire extraction. He was as convinced as that he was speaking that moment, that unless the ecclesiastical institutions of Ireland were modified, unless Government dealt boldly and promptly with respect both to the Protestant and the Catholic Churches, wretched, paltry, and temporary measures of amelioration might be applied; but that for the evils of Ireland they would not be able to devise an effective cure.

Mr. CALLAGHAN supported the Motion. The tax was felt to be a badge of servitude, and a galling injustice; and in the name of the Irish people, he called on the House to abolish it altogether.

Mr. GROGAN objected to the mode of settlement suggested by the right hon. Gentleman the Master of the Mint. It would not do to abolish Ministers' Money, and to substitute payment out of the Ecclesiastical Fund. That fund was already a portion of the revenues of the Church, and if it were to be applied to other purposes than those to which it was at present allocated, in order that Ministers' Money might be abolished, it was clear that the 12,000*l.* now received under that head would be alienated from the Church.

Mr. M. J. O'CONNELL was of opinion that the tax was a grievance in principle, and that it was inflicted under circumstances which aggravated its injustice, the burden being heaviest on those towns where Catholics most abounded.

Mr. J. O'CONNELL said, if the right hon. Gentleman the Master of the Mint intended, by anything that had fallen from him that night, to advocate the pensioning of the Catholic clergy, he, for one, would not give his assent to any such proposition. He considered the tax a gross injustice, and therefore would vote for its abolition; but he did not want to have the revenue that was realised from it transferred to the clergy of his own Church.

Mr. FAGAN replied. He believed that an inquiry before a Select Committee would not satisfy the people of Ireland on this question; they would be content with nothing short of a repeal of the Act of Charles.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 73; Noes 149: Majority 76.

List of the Ayes.

Adare, Visct.
Aglionby, H. A.
Anstey, T. C.
Armstrong, Sir A.
Blake, M. J.
Bright, J.
Brotherton, J.
Callaghan, D.
Clay, J.
Cobden, R.
Cowan, C.
Crawford, W. S.
Devereux, J. T.
Fagan, J.
Fortescue, C.
Gardner, R.
Grace, O. D. J.
Grattan, H.
Greene, J.
Hastie, A.
Henry, A.
Hindley, C.
Howard, P. H.
Jackson, W.
Keating, R.
Kershaw, J.
King, hon. P. J. L.
Lushington, C.
Macnamara, Maj.
M'Gregor, J.
Magan, W. H.
Meagher, T.
Martin, S.
Moffatt, G.
Monsell, W.
Moore, G. H.
Mowatt, F.
Muntz, G. F.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, T.
O'Connell, J.
O'Connell, M. J.
O'Connor, F.
Osborne, R.
Pechell, Capt.
Pilkington, J.
Pinney, W.
Power, Dr.
Power, N.
Raphael, A.
Rawdon, Col.
Reynolds, J.
Sadlier, J.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Scully, F.
Smith, J. B.
Sullivan, M.
Tenison, E. K.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Trelawny, J. S.
Walmsley, Sir J.

Westhead, J. P.
Willcox, B. M.
Williams, J.
Wyld, J.
Yorke, H. G. R.

TELLERS.

Fagan, W.
Hume, J.

List of the NOES.

Adair, R. A. S.
Adderley, C. B.
Alexander, N.
Archdall, Capt.
Armstrong, R. B.
Bagshaw, J.
Bailey, J. jun.
Baines, M. T.
Baldock, E. H.
Bankes, G.
Barrington, Visct.
Bellew, R. M.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Bernard, Visct.
Blackall, S. W.
Boldero, H. G.
Bourke, R. S.
Bremridge, R.
Broadley, H.
Brockman, E. D.
Buller, Sir J. Y.
Bunbury, W. M.
Bunbury, E. H.
Burghley, Lord
Cabbell, B. B.
Campbell, hon. W. F.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clements, hon. C. S.
Clerk, right hon. Sir G.
Cochrane, A. D. R. W. B.
Colebrooke, Sir T. E.
Coles, H. B.
Colvile, C. R.
Courtenay, Lord
Davies, D. A. S.
Dawson, hon. T. V.
Dick, Q.
Disraeli, B.
Dod, J. W.
Duff, G. S.
Duncuft, J.
Du Pre, C. G.
Edwards, H.
Farrer, J.
Forester, hon. G. C. W.
Forster, M.
Fuller, A. E.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Goddard, A. L.
Gore, W. R. O.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Grogan, E.
Grosvenor, Lord R.
Guest, Sir J.
Gwyn, H.
Hallyburton, Lord J. F.
Halsey, T. P.
Hamilton, G. A.
Hardcastle, J. A.
Heald, J.
Henley, J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Howard, hon. C. W. G.
Hudson, G.
Inglis, Sir R. H.
Jones, Capt.
Keogh, W.
Knightley, Sir C.
Labouchere, rt. hon. H.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, W.
Lowther, hon. Col.
Lygon, hon. Gen.
M'Naghten, Sir E.
Manners, Lord C. S.
Maule, rt. hon. F.
Maunsell, T. P.
Morgan, O.
Morpeth, Visct.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mundy, E. M.
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Noel, hon. G. J.
Norreys, Lord
O'Brien, Sir L.
Parker, J.
Peel, right hon. Sir R.
Price, Sir R.
Prime, R.
Pugh, D.
Ricardo, O.
Rice, E. R.
Romilly, J.
Sandars, G.
Scott, hon. F.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sibthorp, Col.
Smyth, J. G.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, Lord D.
Stuart, J.
Talbot, C. R. M.
Tollemache, J.
Townshend, Capt.
Trollope, Sir J.
Verney, Sir H.
Vivian, J. E.
Vyse, R. H. R. H.
Walpole, S. H.
Whitmore, T. C.
Williamson, Sir H.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wortley, rt. hon. J. S.
Wyvill, M.
Young, Sir J.

TELLERS.

Hill, Lord M.
Dundas, Adm.

Amendment agreed to

House adjourned at half-past Twelve o'clock.

HOUSE OF LORDS,

Friday, April 14, 1848.

MINUTES.] *Took the Oaths.*—The Lord Blaney.

PUBLIC BILLS.—1ª Smoke Prohibition; Parliamentary Proceedings Adjournment.

2ª Leases of Mines (Ireland).

3ª and passed;—Mutiny; Marine Mutiny.

PETITIONS PRESENTED. From Deerness, for Alteration of the Present System of Parochial Education, Scotland.—From Shipowners, and others, of the Port of Grangemouth, against any Alteration of the Navigation Laws.—From the Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for the Extension of the Provisions of the Benefit Societies Act to that Order.—From Liverpool, Bristol, and other Places, to be relieved from the Imposition of Legacy Duty on Charitable Bequests.—From Kiltennel, against the National System of Education, Ireland.—From the Magistracy of Forres, for an Alteration of the Poor Law, Scotland.—From Cheltenham, in favour of the Election Recognizances Bill.—From Cannington, against the Diplomatic Relations, Court of Rome, Bill.

THE CORN AVERAGES.

The DUKE of RICHMOND said, it was not his intention to trouble their Lordships with a long speech in putting the question to his noble Friend relating to the Corn Averages, of which he had given notice. In doing so he begged to state distinctly that he had no intention of making any attack upon the officers of the Board of Trade, for he acquitted them of any negligence in making up the returns. But their Lordships must be aware that to every one in any way connected with land, it was of the utmost importance that those averages should be true, inasmuch as all payments under the Tithe Commutation Act depended upon and were regulated by them. He believed that a very considerable portion of the corn grown in this country never came into the averages at all, being sold without going through any regular market. But what he complained of was, that the corn inspectors appointed to make returns from the various markets named in the Act, did not properly discharge their duty; that those gentlemen—he might also have said ladies, for he understood that the wives of some influential electors had received the appointment—had shown much carelessness in the performance of their duty. He wished to ask, whether the corn inspectors were required to keep any books in which to register the returns made by them; and whether, on the part of the Board of Trade, or any other department of the Government, any one was sent into the country to see that the duty was regularly and properly performed. Any local inspection by the landed proprietors would, he knew, lead to great dissatisfaction on the part of the farmers, who would be jealous of their landlords having an opportunity of knowing the quantity of corn sold by them. But at the same time a very general opinion prevailed in the country that very gross mistakes had been made in the average prices of both wheat and barley. The Act provided a penalty for an improper discharge of the duty of inspector; but he believed it had never been enforced. He wished to ask his noble Friend, whether the returns could be depended upon, and would the Government take means to ensure a better supervision of the inspectors?

The Marquess of LANSDOWNE said, he had made inquiries at the office of the Board of Trade, and he was informed that in the new towns the returns were made by excise officers, and in the old by clerks to solicitors and shopkeepers; as the offices became vacant in the latter places they would be filled up by officers of the Excise. The officers of the Board of Trade were of opinion that the averages in general were correct.

BUSINESS OF PARLIAMENT.

Lord STANLEY rose, in pursuance of notice, to call the attention of their Lordships to the mode of carrying on the public business in that and the other House of Parliament. He hoped that, if compelled in the course of his observations to speak in very plain terms, he would be forgiven by their Lordships as well as elsewhere, on the consideration that his only object was to point out to their Lordships what he believed were great and increasing evils in the conduct of the legislative business of the country, and to suggest a mode in which those evils might be met. He did not intend to deal with the private business of either House, or the appointment of Committees, either public or private. He should confine himself to one very important point. That to which he wished to direct the attention of their Lordships was the business of legislation—the mode of introducing and carrying through both Houses of Parliament the laws which were embodied in the public general statutes of the realm. It was impossible for him to look back on a period of now more than twenty-five years, over which his experience of Parliament extended, without seeing that, in the course of that time, there had been, not only a great alteration in the constitution and character of the House of Commons, but also in the feeling with which their Lordships' House and the other House of Parliament were regarded by the public at large. He did not say that the change was altogether disadvantageous, nor would he say that it was altogether beneficial. In the first place, much greater attention was generally paid throughout the country to public business and legislation than was the case some years ago, There was, and he rejoiced to see it, a much greater amount of general information diffused throughout the community in regard to the legislation of the country. But this advantage, which he regarded as inestimable, was not unaccompanied by evil. There was a general and self-complacent belief on the part of almost every individual person in the community that he was fit and competent to judge of every measure submitted to this and the other House of Parliament. There was consequently greater activity in pressing measures of legislation, and at the same time far less deference for the opinions of their Lordships in that House as well as of the representatives of the people in the other House of Parliament. Within the walls of the other House of Parliament a somewhat similar change had taken place. Constituencies watched their representatives more narrowly, perhaps requiring them too frequently to submit their individual judgment to the wishes of their constituents. But, certainly, representatives had greater inducements to recommend themselves to the notice of their constituents by much greater activity in speaking—a result which did not tend to the advancement of public business. There was a most lamentable facility of diction, at all events, in the other House of Parliament, which might be gratifying to constituencies when displayed by their representatives, but which did not tend much either to the edification of those who listened to the orations, or to the advancement of public business. Adjourned debates for two or three nights had become the rule, and debates begun and ended in one night the exception. It were needless to say how such a practice interfered with private business. Again, there was a disposition on the part of the public to expect at the hands of the Government legislative remedies for public grievances. While that responsibility was cast on the Government, their facilities for carrying measures through Parliament were greatly diminished. In the other House two nights only in the week were set apart for carrying on measures connected with the public service. The other three days were given up to Motions proposed by individual Members, or Bills with which they were charged. But so far was the Government from having control over the two days on which they might proceed with their own measures, on every Motion for going into Committee of Supply, it was the privilege of any Member to introduce any subject, and to take up, with the discussion of such subject, the whole of a night allotted to Government business. The same might be repeated on the following and successive night, on the Motion for going into Committee of Supply. And fortunate was the Government if it had only one night occupied with such interruption. It was necessary that the financial affairs of the country should be duly considered, and provision made for the exigencies of the public service before the Easter recess. The annual Mutiny Bill ought to be passed before the same period. But the result of the practice which now prevailed was, that the business of legislation or of law-making could not practically commence before the month of May or of June. When that unfortunate facility of speaking which occupied the earlier part of the Session began to abate—when the country was blessed with fine weather and a hot summer, and the attendance in Parliament became rather oppressive—then began, in the other House of Parliament, the despatch of legislative business. Measures were then brought in wholesale. With numerous Committees, either the business was interminable, or the Government had to alter Bills to conciliate opposition and get them passed, however disjointed. From his experience of the House of Commons it was often a matter of astonishment to him, not that measures were often attended with great difficulty as regarded their interpretation, but that they came out of the hands of Committees expressed in tolerable English. Amendments were often made in one clause without reference to another; and frequently even in point of sense the different portions of measures were totally inconsistent with each other. Bills were sent out of the House of Commons in that state. As Richard the Third said of himself, it might be said of them, that they were—

> "Sent before their time
> Into this breathing world;"—

and the consequence was, that they were

> . . . "Scarce half made up,
> And that so lamely and unfashionable"—

that, if "dogs" did not "bark" at them, lawyers carped at them, so soon as they came to be acted upon, and their inconsistencies stood revealed. The noble and learned Lord on the Woolsack, or the noble and learned Chief Justice, when such Acts had to be considered for judicial objects, too frequently found that, with their margin—

> . . . "Chaos sat supreme,
> And by decisions, more embroiled the fray."

He deprecated the method of legislation pursued in the other House of Parliament. He did not wish to draw any invidious distinctions between individuals; but his experience led him to give great credit to his countrymen from the northern part of the island. There was less discussion on Scotch Bills than on measures connected with any other portion of the kingdom; and the Scotch business done bore a far greater proportion to the Scotch speeches made, than that exhibited in regard to matters connected with any other part of the empire. The Scotch Members were in the habit of doing business without talking much about it. Before a Bill came before Parliament, they appeared to have consulted and discussed the matter, so that when the measure was introduced it passed through its stages without much remark or material alteration. He had confined his observations hitherto to the House of Commons, because there, according to the prevailing practice, the business of legislation commenced. The delay in originating Bills, which were then hurried through their stages, involved, as a consequence, still greater delay in the legislation of their Lordships' House, and still greater hurry in disposing of the measures. By no fault of their own, he feared they were sinking in public estimation as a body of useful legislators—because for the first five or six months of the Session of Parliament they were in a state of compulsory inactivity; and in the course of the last five or six months of the Session they had a mass of business before them to which they could not properly attend. In the system of hasty and defective legislation they made themselves unwilling accomplices. If they dropped measures on account of the period of the Session, the result was, that having been wholly inactive during the early part of the Session, they were compelled at its close to put aside measures on which the House of Commons might have bestowed great pains and much time, and the stoppage of which might be regarded by the country as a mischievous interference with useful legislation. He would take an illustration from what had occurred in the last three years; during the first of those years a Conservative Administration, of which he was a Member, held office; the second year was one in which a change of Government took place; and in the third, the conduct of public affairs was entirely under the control of the present Administration. In 1845, there were passed through Parliament altogether 132 Acts; of those, 23 were originated in the House of Lords, 109 in the House of Commons. A number of Bills coming from the Commons, which, being of a routine character, their Lordships did not think it necessary to print, were excluded from the calculation. But of 91 Bills sent up from the Commons in 1845, and printed, there were sent up in February, 1; in March, 5; in April, 12; in May, 4; in June, 9; in July, 59; in August, 1. Of the Acts which were brought up in 1845, and passed, 63, or one-half of the whole number, were substituted for the first time to the inspection of their Lordships during the last six weeks of the Session. He spoke only of public Bills. In the Session of 1846, of 117 Acts which were passed, 12 originated in the House of Lords, and 105 in the House of Commons. Of these 26 were not printed. Of the remaining 79, 28 reached their Lordships' House before the end of June; 15 were sent up in July, and 36 in August. In July and August their Lordships were called upon to consider no less than 51 Bills, which they passed into Acts, whether they considered them or not. In the Session of 1847, 115 Acts passed, of which 11 originated in the Lords, and 104 in the Commons; 7 were not printed, leaving 97. The last was what was considered an early Session of Parliament. There were brought up from the House of Commons in January 2 Bills, in February 6, in March 7, in April 10, in May 15—in all 40 Bills up to that period. In June there were brought up 28, in July 29, being 57 Bills sent up and passed during those two months. 49 of these were sent up and passed during the last six weeks, and 28 were actually brought up for the first time to their Lordships, and passed through their various stages, in the three weeks previous to the prorogation of Parliament. It was impossible to look at these facts and figures, and say that the legislation of the country was conducted on a principle which was either creditable to the Legislature, or calculated to inspire confidence in Acts of Parliament themselves. The result was, that almost immediately after the passing of the Acts, defects were found in them, and it became necessary to introduce Acts to amend Acts, so that not only did this mode of conducting the public business result in legislation being enormously and inconveniently increased, but both the Legislature and the legislation suffered in public opinion. He had thus stated frankly what were the evils of the present system. He thought it could not be said that he had overdrawn its inconvenience to the public service; and while he charged these evils upon no Government—for they were wholly beyond the control of Government—he was quite sure that all those who had been, or who expected hereafter to be, connected with the conduct of public affairs, must find it their interest to supply a remedy to these serious evils. He knew it would be said that one cause of the great inconvenience was that it was impossible to originate in their Lordships' House a great majority of the Acts of Parliament, because there were very few of them which did not clash with the Parliamentary privileges of the House of Commons. He admitted that it was so; but he was afraid their Lordships' House was not the one capable of suggesting the remedy for this state of things. He earnestly hoped, however, that the House of Commons would take into their deliberate consideration whether their privileges were not inconveniently strained for their own purposes, and whether, without any abandonment of their constitutional privileges, or the least fear of depriving themselves of those powers which were essential to the balance of the constitution, some relaxation of those privileges might not be useful to the public service. He believed there was in the House of Commons a Committee specially for advising with the Speaker upon the conduct of the business of that House; and he could not conceive a subject more worthy of the attention of that Committee, than the possibility of relaxing the privileges of the House of Commons; and he was sure that any recommendation emanating from such a body, presided over by a right hon. Gentleman who commanded the universal esteem and confidence of all parties, would not fail to be received with general approbation. He must say, further, that much as he regretted the restraint upon the free action of their Lordships at the early period of the Session, yet he was ready to confess that, in the majority of cases, he would not desire that legislation should originate in their Lordships' House; considering, as he did, that the great body he had the honour of addressing were more fitly employed in controlling, revising, and superintending the hasty legislation of the more popular branch, than in originating and sending down measures for their consideration. Besides, he had remarked—he knew not whether he was mistaken—but certainly he had remarked that, as a general rule, Bills originating in their Lordships' House were not always received with great favour by the other branch. He had observed that, whether from the non-publication of their Lordships' Papers, or the scanty attendance of their Lordships not attracting public attention, undoubtedly it often happened that measures, which passed that House with apparent unanimity and without exciting any objection out of doors, were made the subject of severe contest and strong animadversion when they reached the other House. He would therefore, as a general rule, infinitely prefer that Bills should come in the first instance from the House of Commons, believing that the more proper function of their Lordships was to control, amend, and revise the legislation of the House of Commons. He confessed that the only mode which occurred to him of remedying, or rather of palliating, what he considered, and what he hoped their Lordships also considered, to be a great evil, of having a drought of business at the beginning, and a perfect deluge at the end, of the Session, was to convert these into an equal stream to be carried through the whole of the Session. He hoped he would be permitted to say also—speaking as he did frankly and without reserve of the evils of the present system—that, independent of the inconvenience to the country and to their Lordships' House which resulted from the state of inactivity to which they were condemned at an early period of each Session, there was another evil arising from it, inasmuch as the younger Members of their Lordships' House—more especially those who had not been trained to habits of business in the other House—had no inducement to give their attendance where there was no business to be done. Consequently, these younger Members did not acquire that legislative experience and those habits of legislative industry which, at the present time more especially and emphatically, he held to be a matter of vital importance should be possessed by Members of the Upper House of Legislature. The remedy which he ventured humbly to suggest was one which he hoped would not startle those who disliked innovations in the main, because he admitted it was an innovation on the practice of the House. The remedy was this, to grant to that House, of course by an Act of Parliament, the power, when they saw fit, upon the receipt of a Bill passed by the other House of Parliament, and previous to the reference of the Bill to a Committee of their Lordships' House, to adjourn the consideration of the measure from the period of the Session at which they could not deliberately enter upon its consideration, to an early day to be named at the commencement of the next Session of Parliament; and that that House should then be permitted to proceed with the Bill as if the prorogation had not intervened, and as if the Bill had just been sent from the other House of Parliament. He thought that many advantages would arise from the adoption of this principle. In the first place, it would afford a fitting employment to their Lordships at the early period of every Session, during which they were at present necessarily inactive. In the next place, at the close of the Session, their Lordships would not have the painful alternative thrust upon them of passing or rejecting measures equally without consideration—of either admitting them, and thus, perhaps, giving their sanction to imperfect legislation, or rejecting them, and thus rendering futile and vain the whole of the previous proceedings in the other House of Parliament, and compelling their promoters to proceed in the next Session *de novo*, subject to all the interruptions and difficulties of such a course. There was a collateral advantage which he might mention. He did not think that any injury would be done by having before the country for four or five months the Bills passed by the House of Commons in the state in which they left that House, and by hearing the general opinions of the country on the details of those Bills before they came under the consideration of their Lordships in the following Session of Parliament. He would also venture to suggest that with respect to all measures so postponed, their Lordships might have the power of referring them to some competent legal adviser, for the purpose of examining their technical phraseology, and the bearing which one clause would have upon another, as well as their bearing upon other Acts, and more especially recent Acts of Parliament; and thus furnishing their Lordships with a legal report upon the bearings of every Bill so suspended. He believed, that if this were done, the legislation, while it would be diminished in amount, would be infinitely improved in quality. He was quite satisfied that their Lordships, both at the commencement and the close of the Session, would be placed in a situation not only more satisfactory to their own feelings and their own desires, but also more creditable to the conduct of their business, and more calculated to raise their Lordships in public estimation. He apprehended, however, that the Bill which he proposed to introduce for effecting these alterations, would, to some extent, be an infringement of the prerogative of the Crown. Their Lordships were aware that Her Majesty had the power, by proroguing Parliament, of putting a stop to the legislation then in progress, though it was a power which in the present day would be little exercised. He could not conceive that any Government would advise the Crown to prorogue Parliament for the purpose of defeating a measure which had already obtained the assent of the House of Commons, and which it was understood was about to receive the assent of the House of Lords. He could hardly conceive such a case, but still such a case might arise. Even in that case, however, there would be no infringement of the prerogative, unless in each particular case their Lordships passed a resolution that the Bill should be adjourned till next Session. But the prerogative might still be exercised in any case where a Bill was pending, and where no such resolution was passed respecting it. He did not ask to deprive their Lordships of any power they now possessed to pass Bills, but he proposed that in any case where they thought fit—say in the case of a Poor Law Bill, a Sanitary Regulations Bill, or one for the amendment of the law, or for the improvement of the constitution of the courts of law—which they might receive so near the close of the Session as to prevent them doing justice to it—they should have the power of postponing such Bill till the next Session, without rendering any previous labour bestowed upon it vain and useless. He had endeavoured to ascertain whether, on the ground of privilege, there was likely to be any well-founded objection to this measure on the part of the House of Commons; and he was satisfied, provided it did not extend, as he did not propose it should, to Bills the main purpose of which was connected with the levying of taxes, there would be no reasonable ground for jealousy on the part of the House of Commons. He thanked their Lordships for the patient hearing which they had given him. He had prepared a Bill, which, with their Lordships' permission, he would lay on the table of the House; and if they were disposed to give it a first reading now, he would propose that it should stand over till after the Easter recess. He asked their Lordships to give the subject that consideration to which he thought it was entitled, in order to apply a practical remedy to that which they all agreed was a practical evil of no small magnitude.

The Marquess of LANSDOWNE did not rise to discuss the Bill on its first reading; but he could not allow that opportunity to pass without expressing on his own part and that of the House, the thanks they owed to the noble Lord for the consideration he had bestowed on this subject, undoubtedly one which had forced itself again on the attention of almost every Member of the House. The noble Lord had stated, that the evil he complained of was not the fault of any Government; but there could be no doubt that, Session after Session, public business was, for the reasons he had stated, retarded and impeded in the other House of Parliament; that many measures did not, in consequence, receive that due consideration which they demanded; and that thus a practical impediment to legislation was experienced. There might be different views entertained as to the details of the noble Lord's Bill; for example, as to what was the most proper stage of my measure at which the suspension should take place. But on these points he would not enter, and would in the meantime only observe that the principle of the Bill had his most entire concurrence.

Lord BROUGHAM gave his cordial concurrence to the Bill, and would give it every consideration in his power; though he must say he had some doubts how far an Act of Parliament was required for the purpose contemplated. It appeared to him to be very much a matter settled by the Standing Orders, for, in point of fact, they could at present drop a Bill which came up to them at the close of the Session, either at the second reading or at the Committee, and could take up that precise Bill in the next Session, and pass it through all its stages; while the House of Commons, having previously considered the Bill, could, if they chose, pass it also without discussion. He concurred in what had been said as to the precipitancy with which, at the close of a Session, important measures of legislation were passed; and he could not avoid saying, what he had done on various other occasions, that some method ought to be adopted for getting better framed Acts of Parliament, and for the avoidance of rash and blundering law-making. His noble Friend had referred to one mode of effecting this object—the obtaining the assistance of learned, experienced, and practised men in preparing Acts of Parliament; and he thought the greatest improvement that could be effected in legislation would be the establishment of a Board of such learned and practised men to revise the draughts of all Acts; and after they had become Bills, and undergone any changes, to revise those changes, compare them with the original draught, and see that there was nothing in the Bill contradictory of other Acts of Parliament. In this way they might avoid the mass of inextricable confusion that now prevailed—the using of the same words in different senses, sometimes in the same Act, sometimes in the same clause; and the use of phrases in one part of the Act without any regard to their use in another; the result of which was, that when these laws were promulgated and sent to the country, and came to be considered by the Judges, those learned and eminent persons were compelled to make meaning out of that which had no meaning, to reconcile contradictions that were irreconcileable, and to do many that were impossible—all which would be infallibly and unfailingly prevented by the adoption of some efficient mode of revisal in Parliament. He also concurred in thinking that means should be adopted to insure a more deliberate course of legislation than was now permitted them at the end of a Session. Why, it had come to this, that the House of Lords could not be said to have a free agency in considering, correcting, and improving many measures that came from the House of Commons; for when a Bill came up near the end of a Session, it just meant that they must either pass it or throw it out at once. He hoped that no long time would elapse before means were adopted to secure not only the object aimed at by the noble Lord, but a more perfect description of legislation.

Lord REDESDALE considered that this was an alteration so serious that he never could make up his mind to agree to it. It was a proposal that required the deepest deliberation of all parties before it was carried into a law. In his opinion it would virtually give the power of passing a Bill with the consent of one House only and the Crown. That was a power which he viewed with great jealousy, and one which he thought would be attended with very great danger.

The **Duke of RICHMOND** could not agree with his noble Friend (Lord Redesdale). He thought such a measure as had been proposed would be attended with great benefit, and would tend very much to remedy an evil which all acknowledged.

Bill read 1ª.

House adjourned.

HOUSE OF COMMONS,

Friday, April 14, 1848.

MINUTES.] PETITIONS PRESENTED. By Mr. Sadlier, from Carlow, for Repeal of the Union with Ireland.—By Lord Dudley Stuart, from Inhabitants of the Parish of St. Pancras, Middlesex, for Adoption of Universal Suffrage.—By Mr. Henry Berkeley, from Bristol, for Alteration of the Law relating to the Clergy of the Church of England.—From New Sarum, for Alteration of the Law of Settlement.—From Wexford, for Repeal of the Union with Ireland.

CROWN AND GOVERNMENT SECURITY BILL.

On the Order of the Day for going into Committee on the Crown and Government Security Bill,

Mr. J. O'CONNELL said, it had been asserted in that House that the present movements upon the Continent were only for the attainment of that freedom which was already possessed by England. That might be perfectly true, but it was not the case with regard to Ireland. In that country there was an absolute mockery of constitutional liberty. The people there had not the means of making their rights available, and, above all, they did not possess the inalienable privilege of freemen—to manage their own affairs. He complained, too, that they were subjected to the tyranny of the spy system—a proof that the policy of the Government was retrograding with regard to Ireland. The third clause of the Bill now under discussion was capable of being made a fearful weapon against the liberty of the subject, because it struck at the right of free discussion. Yet, whilst proposing this unconstitutional measure, the Government had done nothing to preserve the real peace of Ireland. This Bill would array class against class, and blow up the embers of a most dangerous civil discord. The Government were willing to do anything in the way of oppression, but nothing in the way of mitigating or removing the grievances of Ireland. What could the representatives of Ireland, when they went back to that country, say but this—that during their attendance in Parliament no hope had been held out, and no promise made, of amelioration to Ireland? In fact, they could do nothing but advise the people to avoid criminal acts, the shedding of blood, and insurrection. But as to holding out any hopes from this Legislature, they could not.

Mr. M. MILNES suggested that it would be better for all purposes that the discussion, instead of proceeding at this stage, should be taken in Committee; and, by way of setting a good example, he should reserve his remarks.

Mr. J. EVANS said, since the Bill had been introduced, alterations had been made in it which certainly moderated its original character; but even if they had existed originally he should still have voted against it. Considering the state of the country, on which so much had been said, he could not consent to the enactment of the clause containing these words "open and advised speaking" for two years, nor for two months. He particularly objected to the provision for making a man a felon for words spoken. In many foreign countries order was preserved among the people by the bayonets and sabres of soldiers; but in this country it was maintained by the people themselves, who expressed their opinions, through public meetings, of anything they disapproved of. By means of this "safety valve" many excellent changes had been effected without shedding one drop of blood. He appealed to every Member of the House whether this had not been the case within the last few years. Why, if open and advised speaking was to be felony, he was surrounded with felons. How often had the constitution been destroyed in our own days! How often had the sun of England set for ever, and her glory departed in the apprehensions of those who had withstood every change; though neither the one nor the other had yet occurred! Some of the best and noblest patriots who now sat near him had been allowed, for the first time, to enter that House, accomplished without the slightest danger by public meetings. Catholic Emancipation had been carried by them. The Reform Bill was carried by them also; and he would ask, whether no violent speeches had yet been made in the days of the Reform Bill? Had no gallant officers now sitting in that House, supported the Reform Bill by violent speeches? He really did not know whether more actual treason had not been spoken in carrying that measure than on any other; at all events, he believed there was a good deal. During the agitation for the repeal of the corn laws, the same feeling had been carried further; for some of the agitators on that question were said to have threatened to assassinate the right hon. Baronet the leader of the Opposition. Why, it was a well-known fact, that charges had been made in that House against an hon. Gentleman that he had been inciting the people to assassinate the right hon. Baronet. There was no doubt about it. The result, however, of free discussion was, that it produced wholesome effects; and he contended that so long as it was retained, this country would be safe from the clamour and dissatisfaction which now agitated Europe. It was his honest conviction, that, by the law of England, the open and advised speaking of words alone had never been accounted high treason; and he believed that if it were prohibited, secret clubs and plots would arise which would be found infinitely more mischievous.

Sir G. GREY expressed a hope that the appeal of the hon. Member for Pontefract (Mr. M. Milnes) would be listened to by the House. They were now discussing whether the words "open and advised speaking" should be retained, when the same question would have to be considered in Committee. The construction given to the Bill by his hon. and learned Friend was very far from being the true and real one. He agreed with him as to the immense advantage of public meetings, and of the freest latitude being given for the discussion of public measures, and impugning the conduct of public men; but it was not a right construction of the Bill to say that a speech made at a public meeting, upon public policy, or the proceedings of public men, with a view to effect alterations in the constitution, would be among those prohibited by the Bill. There must be an intent, in the first place, of levying war against the Queen, and the open and advised speaking must have reference to that intent. That part of the clause would have no operation if there was no intention of levying war. It was not proposed to make the mere fact of an intention to overawe the deliberations of Parliament by the use of strong language more penal than it was at present. That was left to the general law as it stood; but it was proposed to make what had been accounted treason before, felony now. He left it to the House to consider whether the language spoken in Dublin had not transgressed the limits of free discussion. At all events he hoped the House would go into Committee, when the subject could be regularly discussed.

Sir R. PEEL: I have no wish to prolong this discussion; but I wish to put a question with regard to this Bill to the hon. and learned Gentleman the Attorney General. In order to make my question intelligible, it will be necessary I should state what I consider to be, at present, the construction of the law with regard to the particular offence to which I refer. I understand that by the 36th Geo. III., made perpetual by the 57th Geo. III., if any person shall compass or intend the death, the wounding, or the restraint of the Sovereign, and shall express that intent by printing or writing, by publishing in printing or writing, that offence will be the offence of high treason. That law, so made perpetual, is by this Bill extended to Ireland. That, as I understand, is the only alteration, the extension of the law to Ireland, which this Bill will make with regard to the offence, There is another description of offence which a person may commit, namely, the compassing or intending to deprive the Sovereign of the Royal name or title of any part of Her Majesty's dominions—of a colony, for instance. If a person shall express that compassing, either by publishing in printing or writing, or by open and advised speaking, that offence, under this Bill, will be felony. Suppose a person hereafter should commit this offence, namely, should compass or intend the death, the wounding, or the restraint of the person of the Sovereign by open and advised speaking, what will, in the eye of the law, be that offence, and what will be the penalty to which it will be subjected? Do I make myself intelligible? The offence of deposing the Crown, either by printing, publishing, or writing, or by open and advised speaking, will be a felony; but as to the higher offence of compassing the death of the Sovereign by open and advised speaking, what, in the eye of the law, will be that offence, and what will be the penalty? During the present reign there have been two or three cases of attempting to maim the Sovereign. Now, suppose a person should compass the death of the Sovereign by open and advised speaking, that, under the 57th George III., would be treason; but what, under this Bill, would be the penalty?

The ATTORNEY GENERAL: I am obliged to the right hon. Gentleman for putting this question; and, at the risk of differing from some of my hon. and learned Friends, I will state distinctly what is my deliberate opinion. By the Bill, as it now stands, the offence of compassing or imagining the death, maiming, or wounding of the Sovereign, will remain as under the old law, with the exception that the Statute of the 36th George III., made perpetual by the 57th George III., will be extended to Ireland, and thus cure a doubt whether it now applies to that country. The minor classes of treason, namely, the compassing or imagining the deposition of the Crown, the levying of war with intent to comfort or succour the King's enemies, will, if expressed, become a felony, and a felony only. But the question which is put to me by the right hon. Baronet is this: assuming that there is a clear compassing and imagining the death or maiming of the Crown, uttered or expressed by open and advised speaking, what will that offence be? With the greatest deference for the opinions of my hon. and learned Friend the Member for Haverfordwest (Mr. J. Evans), and the hon. Member for Pontefract (Mr. Martin), I say distinctly, after consulting the highest authority upon the subject, that it is, and will continue to be, treason. On that subject I apprehend there can be no doubt. It is not for the purpose of clearing up any doubt, or letting the public perfectly understand what is the effect of open and advised speaking, that these words are introduced, because I apprehend it is clear that although the bare speaking of words will not constitute treason, yet if words are spoken that are words of advice, direction, or persuasion, tending to effectuate some traitorous act or design, that they, according to all the authorities, and among them the highest authority now upon the bench in England, are clearly, and beyond all doubt, treason. I may further be allowed to state that hon. Members who have put various questions upon the meaning of these words, would have been much assisted if they would look at the report of the Criminal Law Commissioners upon crimes and offences, in which they profess to codify the law as it now exists, without any alteration or amendment. The Commissioners have given the law of treason in their arrangement, and they clearly point out the different definitions of the term "treason;" and among the rest they law it down as clear and settled law, which they propose to re-enact without alteration, that words spoken shall not be deemed to constitute an act of treason, unless they are words of advice, direction, or persuasion, tending to effectuate some traitorous act or design. This is clearly laid down, as gathered from all the authorities—the authority of Foster, Hale, and others; and the directions of Judges in more modern days confirm that view of the case. I state, then, as being the result of the consideration of the highest authorities on the subject, that the compassing or imagining the death, maiming, or wounding the Crown, either in England or Ireland, if this Bill is passed, evidenced by open and advised speaking, will, beyond a doubt, amount to treason.

Sir R. PEEL had no doubt whatever upon the general law—and he was sure it ought to be the law—that the compassing the death of the Sovereign, expressed by publishing, printing, or writing, should be treason; but might not the fact of printing and publishing, being evidence of compassing, throw some doubt upon the antecedent clause with regard to the compassing by open and advised speaking?

The ATTORNEY GENERAL did not think it would, because the law was now perfectly settled.

Mr. Serjeant TALFOURD begged refer on this point to a case on which there could be no dispute—the case of Colonel Despard. If ever there was a case where a conviction for high treason was received without any sympathy for the criminal on the part of the public, or any doubt as to the propriety of the conviction, it was the case of that unfortunate soldier; and he would remind the House that he was convicted almost entirely on words only, words not lightly spoken in attending a public meeting, but words of advice, direction, and persuasion. He was defended by the most eminent counsel. Serjeant Best urged this very point, that there was nothing proved against him but words, for, though the form of an atrocious oath was found on the person of those associates among whom Colonel Despard had become degraded enough to lower himself, yet there was nothing found upon his own person; and, therefore, his learned counsel maintained that he was connected with the conspiracy only by certain words and expressions which he was said to have used. This point was, therefore, strongly pressed; and on this point, Lord Ellenborough thought it right in his charge — there being three other Judges associated with him in a special commission—distinctly to lay down the law on this point. He says—

"I think it fit to state a word or two on some of the topics which have been touched upon on the part of the defendant, as to the quality of the crime imputed to the defendant, and as to the nature of the proof by which the charge thereof is supported. It has been urged that the crime consists only in words, and that words are not of themselves overt acts of high treason. If it be said that loose words, referable to no particular design, words merely calumnious, or seditious words expressive of an irritated and angry mind, and of sentiments highly indecent and criminal in a subject towards a Sovereign, but words neither indicating nor conducing to the execution of any definite purpose of a treasonable kind on his own part, nor persuading or exciting others to concur in the execution thereof on theirs; I readily admit that loose words of this description are not to be considered as constituting overt acts of high treason, and that it would be too much to infer from the random and reckless, though highly blameable use of expressions of this kind, so mischievous and abominable a purpose as the destruction of the King. But if words of this kind are used at meetings held for the purpose of forwarding designs of a treasonable nature, and if they are addressed to persons with an intent to excite and confirm them in the prosecution of measures which have for their declared object the assassinating or deposing of the King by force of arms, or when words are the immediate vehicle by which treasons, such as these, are communicated, and by which they are and sought to be carried into full completion and effect, it never was, since the promulgation of law in this land, by any one lawyer ever doubted that words of this nature, uttered for such a purpose, at such meetings or consultations, and being themselves the very instruments and means of exciting other persons to take part in measures which had for their end and object the personal destruction of the King, were in their very nature and essence the clearest and most absolute overt acts of high treason that can be stated. This point never yet admitted of a doubt—it never was questioned—it never can be so."

Mr. S. MARTIN said, the question was, whether a man going to a public meeting without concert, and there speaking his own opinion openly and advisedly with regard to what might tend to the death of the Sovereign, would be guilty of an act of high treason? On this subject he would refer his hon. and learned Friend the Attorney General to Burns, who was an authority upon the criminal law:—

> "Burns," said Lord Coke, "seemed to think that to utter words was not a sufficient overt act whereupon to convict a person of treason: it was misprision of treason only."

So, also, Hale and other authorities, that words only, if not put in writing, were not an overt act. And Hawkins said, that to charge a man with speaking treason would only be actionable where the words were treasonable:—

> "Nevertheless," said Burns, "at this day it seems clearly to be agreed that, by the common law, and the Statute of Edward III., words spoken amount only to a high misdemeanour, and not to treason."

This was the law as laid down by a great authority, and he apprehended it was correctly laid down.

Mr. ANSTEY said, all words which were at present simply seditious would remain so; but if they were of a treasonable character under the existing law, they would by this Bill be made felony. The existing law was, therefore, mitigated, whilst, under a false suggestion of mercy, no person would go unpunished who conspired against the public peace and the lawful supremacy of Her Majesty.

Mr. CAVENDISH referred to the taunts used on a former occasion by the hon. Member for Middlesex with regard to the Fox Club. Now, he was a member of the Fox Club, but he did not know there was anything in this Bill contrary to the opinions of Mr. Fox, or to the principles of his (Mr. Cavendish's) ancestors. The hon. Member had talked of an old woman being in the Cabinet, which he supposed was an insinuation against the Duke of Wellington; but if that were so, he still thought the opinion of the Duke of Wellington, as a military man, equal to that of the hon. and gallant Member. He remembered very well the hon. Member himself being quite panic-stricken as to the state of Ireland; and therefore he did not think it became him to taunt the Cabinet with being panic-stricken. He therefore turned to the lawyers for their opinion, in enabling him to form a judgment with regard to this Bill; but he found such opposite and contrary opinions among them, that he could obtain no satisfaction from their advice at all. The hon. Member for Cockermouth had spoken against the measure; but his objections were chiefly made up of quotations from *Hansard*, and therefore, in his mind, went for nothing. Indeed, recollecting that the hon. Member had once sent a challenge to another Gentleman for using scandalous expressions towards Her Most Gracious Majesty, he could not help thinking that, if this Bill had then been law, the scandal would have been punished in the way it deserved, and the valuable life of the hon. Member would have been put to no risk. Then he turned to the opinions of the popular Members in the House, particularly to the hon. Member for Montrose, who last Session had shown great sobriety, but at present, probably excited by younger men, he had displayed extraordinary excitement, particularly with regard to the Irish Church. He found, however, that the claim of the hon. Member to be an exponent of popular opinions was strenuously disputed elsewhere; for, on reference to the proceedings of the body called the National Convention, he found that a Mr. Cuffy declared he knew the Montrose burghs well, and he knew that the hon. Member did not represent the opinions of the people there, but only the sentiments of a few hard-hearted Scotch political economists. Finding, therefore, that none of these authorities were to be relied upon, he had to fall back upon his common sense, and, considering the provisions with which the Bill was guarded, he was in favour of supporting the measure.

Mr. HUME condemned the ridiculous and foolish personalities in which the hon. Member had indulged. He knew nothing about Mr. Duffey or Cuffy of whom the hon. Member had spoken; but he knew that his constituents were, to a man, in favour of the entire abolition of the Irish Church. The hon. Member had talked of falling back on his common sense; but any one who had heard the hon. Member must be convinced that he had very little common sense to fall back upon.

Mr. HORSMAN would also notice the speech of the hon. Member, though certainly in a different spirit to the hon. Member for Montrose. In his opinion the speech was distinguished both by ability and by good humour; and he had nothing to find fault with except that the hon. Member did not do sufficient justice to himself and his talents by presenting himself oftener to the notice of the House. There were one or two little inaccuracies, however, with regard to himself. He had not quoted from *Hansard*, but from Blackstone and Hale; and with regard to the challenge the hon. Member alluded to, the circumstances were these. The then hon. Member for Canterbury (Mr. Bradshaw) had made what he thought an attack on the character of the Queen; and at a dinner given to him (Mr. Horsman) by his constituents he commented on that speech. He did not send the challenge—he received it, and his first impression was to decline it; but coming to London and putting himself in the hands of his friends, he felt that it required more courage to refuse a challenge than to accept it. He therefore accepted the challenge, which he had regretted ever since, and of which he was thoroughly ashamed; and if ever he was placed in the same position again, he hoped he should be able to show more moral courage, and to display more Christian principle.

Mr. B. OSBORNE asked who shall decide when doctors disagree? If they looked to the speeches which had been made by various hon. Members, how could they come to a decision as to what the law of treason was? He opposed this Bill because he thought it a retrogressive act in legislation; and when every other country in Europe was progressing, he thought it was too much for a Government calling itself liberal to make open and advised speaking an act of felony. He thought the Government were disposed to favour the cause of liberty; but he could not forget that in the year 1792 the same thing occurred, when a party who were called the Alarmists separated from their party on a Bill involving the same principle. Now, in what he had stated as to the old woman's feeling which governed the Cabinet, he begged to say he had neither made nor intended any allusion to the Duke of Wellington; if he had, he should have spoken of that noble Duke with the greatest respect, and he wished that his Grace was at the head of the Government. He had said that there was an old woman's feeling in the Cabinet. It was not necessary to say whether that allusion had reference to the right hon. Gentleman the Secretary for the Home Department, or the President of the Board of Control; but this he knew, that the impression in the country was that there was an old woman's feeling pervading the Cabinet. He had never taken exception to the course which was pursued by Her Majesty's Government with regard to the keeping of the peace on Monday last; on the contrary, he had expressly said that he thought the arrangements which were then made were admirable, and he only wished the Government would carry out the principles of conciliation with the same force as they carried out those of a coercive character. The voice indeed was the voice of Jacob, but the hands were the hands of Esau. The hon. Gentleman had insulted his constituents. If that hon. Gentleman dared to show his face on the hustings in Middlesex, let him, and he did not think that the name of Cavendish would bring him fifty votes. The hon. Gentleman was one of those whose time being engrossed in lolling in the windows of Brooks's, made them fancy they could govern the whole world. The hon. Gentleman was one who lived on his own estate and upon other people's ideas; and when next he addressed himself to him (Mr. Osborne), let the hon. Gentleman do it on the spur of the moment, and not bring forth, as the result of his lucubrations by the midnight oil, such a miserable production as that which he had addressed to the House.

Sir De LACY EVANS believed that under this Bill, with regard to written words, there was a mitigation of the law; and the great question at issue had reference to the new proposition included in the third clause. He doubted whether the operation of the severer penalty would be applicable only to the two extreme cases cited, and he thought there was no intelligible security for public liberty as respected the freedom of speech. The question was, whether the existing law was not abundantly stringent for the purpose of preventing treasonable speaking. He had had, perhaps, more experience than any other Member of the House of the salutary effect of minor degrees of punishment; and if the punishment for sedition were severe, why introduce this new principle into the law? Though he was most anxious to give at this moment any powers which might be necessary for the maintenance of peace and the maintenance of the institutions of the realm, he should vote against the passing of this Bill, unless it were clearly shown that the existing law was not sufficiently stringent to meet the emergency.

Mr. S. CRAWFORD thought that the Amendment which had been proposed by the right hon. Baronet would change the whole character of the Bill. Many hon. Members were frightened at being charged with what was called "a factious opposition" to this measure. If the fact were so, he must say it had resulted from that opposition that an alleviation of the severity of this enactment had been obtained. He objected, however, to the Bill, because it made a man still liable to transportation for spoken words. He complained of the Bill, not only as it affected Ireland, but as it affected the whole of the United Kingdom. He thought that if they contrived to make this offence a misdemeanour it would be quite sufficient. For his own part he thought that the further proceedings on this Bill should be delayed till the lawyers agreed. It was a cruel thing that any man should be subject to the penalty of transportation for an offence which the Judge might not be able to define. He was anxious to retard the completion of this Bill until they should understand the law, and what was really the crime which they had to deal with.

Sir W. CLAY objected to the Bill, because it included in the same category offences of such a different character, especially with reference to written and spoken words. He admitted that the language which had lately been held in Ireland, and in England too, by certain parties, was such as no Government ought to allow; but he thought that the object which they sought to obtain might be reached without adding to the class of political offences. He should have proposed to his right hon. Friend to leave out the provisions in reference to spoken words, and, instead of this, to have so far altered the law with regard to a misdemeanour in the speaking of seditious words, that where in any case a person offending shall have spoken seditious words at a meeting which should amount to treason, and shall have been held to bail for such offence, if the same person shall be again brought up before the magistrates, and upon the same proof whereon he was already held to bail, the magistrate should think he could be held to bail, such magistrate should have the power to refuse bail in the case of such second offence, under such circumstances, and that then the party should of course be committed to prison to await his trial, and to prevent his doing mischief. Reason and experience taught that it was wise to treat words spoken with leniency. The present Bill was not a gagging Bill, nor a Bill of pains and penalties. On the contrary, it was an ungagging Bill, and a Bill to abrogate enactments with regard to treason. He should support the Amendment of his hon. and learned Friend, agreeing as he did in the general object of the measure.

Mr. MUNTZ said, that whatever might be the opinion of the hon. Baronet who had just sat down, he felt persuaded that a large proportion of the population would regard the clause in question as a gagging one. After lawyers on both sides of the House had expressed such opposite opinions, it was too much to expect simple laymen to construe and understand this objectionable Bill. It was said, indeed, that no Government could now enforce an unconstitutional Act. He had read history too well to feel satisfied with that kind of argument. He could not forget that the very same men who protected Pym and Hampden afterwards consented to the execution of Lord William Russell. The people generally felt that the Foxites had forgotten all their principles except one, and that one was the principle of doubling the income-tax. What had been the conduct of the Government since its advent to power? First, they brought forward an Irish Arms Bill, and attempted to drag with them all the independent Members of the Government. Next, having found the country in great distress, they appointed a one-sided and packed Committee to inquire into the cause of that distress; their third and last act was to endeavour to force on the country a gagging Bill. He believed that this Bill would make men's minds rankle and fester, and induce them to do what otherwise they would never have thought of doing. Had such a law been in operation in 1831 and 1832, we, and others who entertained similar opinions, must have been transported. We held frequent interviews with Lord Althorp and other leading Whigs of that period, all of whom, instead of throwing cold water on the meetings, encouraged the popular leaders to continue the agitation. He said advisedly, that had it not been for the meetings of that day, and the deputations sent up from all parts of the country, not a single Whig would have sat on the Treasury bench. Now, he could never consent to the passing of a clause which would subject a man to transportation for spoken words. Evidence might be got up which would lead to the transportation of any Members of that House. Ever since the present Government had been in power, this country had been retrograding as regarded its physical condition; and that he believed was the real cause of the present excitement. When the masses of the people were in a state of comfort, they could not be got together in large numbers; but when they were without the proper and necessary quantity of food—when they saw comforts around them, and had nothing themselves to support life—it was natural that they should feel discontented. It would be found, on examination, that during the last thirty years there had been no great commotion in this country except when the people were in a state of privation and misery. He called upon the Government to search for a remedy for the present state of things; and if they could not provide one themselves, to let others do so. He must strongly oppose any clause which might have the effect of putting a dangerous check to freedom of speech.

MR. GRATTAN would oppose the Bill. The present law was amply sufficient to put down seditious writing and speaking in Ireland. He would ask whether an imprisonment of three, four, or five years, accompanied by a fine, was not a sufficient punishment for the utterance of words which had given rise to this Bill? Would they sentence to everlasting infamy, and make an expatriated felon of a man who was a descendant of one of the oldest families in Ireland, and inflict indelible disgrace on his posterity, because he had been guilty of using intemperate language? Mr. O'Brien had not asked the French to send to Ireland 50,000 men to assist the Irish in the accomplishment of their desires. Did not the late Daniel O'Connell mention in that House, and elsewhere, that the Americans had promised to send 50,000, at least, to help the Irish in struggling for the fulfilment of their desires; and yet no one thought of prosecuting Daniel O'Connell because some people in America had said that they would give armed aid to the Irish. The Government might depend upon it, that this measure of coercion would fail to carry out their designs; it would most assuredly produce a dreadful revolution if persisted in. Why could not the Government trust for the security of the empire to the old statutes, which were quite strong enough? Because intemperate language had been used by a few in Dublin, that was no reason why they should subject the whole of Ireland to this dreadful measure. Every one in Ireland with whom he had had any conversation spoke with feelings of the greatest abhorrence in reference to the articles of the *United Irishman*, of which he had only seen two copies. He had just received a letter from an individual well known to many Members of that House. Writing from Ireland, that individual said, that he was too happy to state that he had witnessed very little excitement amongst the people in Cavan, Longford, Westmeath, and Carlow; and that those only who were suffering from want of employment seemed disposed to join in a movement to better their condition. Now, he sincerely believed that statement to be true. The Irish were not rebels; they were not traitors; but they were agitating continually to improve their condition. And was it wonderful that people who were suffering all the horrors of starvation should strive to mitigate those horrors? The writer whom he had quoted went on to state that the Irish people were not disaffected. He had received another letter from another individual equally well known in that House with the writer whom he had just quoted, and he stated that it was difficult to ascertain what were precisely the feelings of the majority of the Irish people at the present moment; but he believed that the general opinion was that no outbreak whatever was intended. He firmly believed that statement. In the county of Wicklow, the writer stated that everything was quiet, and that, instead of attending to political matters, the people were busily employed in cultivating the land. Other nations, whether for good or evil, had recently obtained great changes in their governmental institutions; and instead of making a move forwards, in unison with the general movement throughout Europe, the British Government brought in a Bill to stop the expression of public opinion. If they governed Ireland as they governed England, they would find her people as loyal and peaceable as any portion of Her Majesty's subjects.

MR. MOWATT rose to ask a question, to which he should like to have an answer from Her Majesty's Attorney General. He wanted to know if it was the opinion of Her Majesty's legal advisers that, by the Act that had been so repeatedly referred to in this Bill, namely, the Act of 36th George III., which was subsequently made permanent by the 57th George III., to compass or imagine the death of, or to wound the Sovereign, if accompanied by any overt act, such as printing, uttering, and publishing, would continue to be made high treason? He apprehended that the answer of the learned Attorney General would be, that no doubt it was proposed to retain that law in full force, and to apply it to Ireland. He also wished to be informed whether his impression was right, that by this Bill it was proposed to make the compassing or imagining any injury to the Sovereign a felony, without any overt act at all beyond the mere open and advised speaking with that intent? He wished to know whether it was proposed to put both laws in operation, so, as it were, to leave no outlet for the escape of a prisoner. After the grave doubts on this point that had been expressed by many hon. and learned Gentlemen in that House, by whose opinion the House was bound, to a certain extent, on this question—he wished to know whether, if the noble Lord at the head of the Government really meant to make the law operate in both cases, the Government should not state so in clear and intelligible language? It would appear from the manner in which this portion of the Bill was drawn up, that Her Majesty's Attorney General was extremely ignorant of grammar. He considered, that with regard to the third clause, it was so ungrammatical in its construction that it ought fairly and legitimately to be made the subject of ridicule. He considered it rank nonsense, and that it was only by very great courtesy that the House could convert it into any sense at all. He thought that on so important a question affecting the liberties of the subject, the language ought to be so plain and unmistakeable that every country bumpkin might understand it.

The ATTORNEY GENERAL said, that when he had answered the question of the hon. Member on a previous occasion, he had thought that he had saved himself the trouble of replying to, and the House the pleasure of hearing, the hon. Gentleman again. The first suggestion which he would make to the hon. Gentleman before answering his question was, that before he censured it for want of grammar, he should read the clause of which he spoke. [Mr. Mowatt: I have read it.] He would take the liberty of stating, if that were the case, that no person, however grammatical his construction might be, could draw a clause which the hon. Gentleman could understand. The clause as it then stood was so plain that no person who had read it could place upon it the construction which had been placed on it by the hon. Gentleman. The question asked by the hon. Gentleman was, whether it was the intention of Her Majesty's Government to retain this clause, which referred only to offences intended against the person of the Sovereign, shown by an overt act? That was nothing like the clause; and the hon. Gentleman could not have attended to that which had been said over and over again—that those offences directed against the person of the Sovereign were construed as treason, and the Act—the Act itself—was proposed to be extended to Ireland. Those offences were, compassing or imagining the death of the Sovereign, or the wounding or maiming the Sovereign; and publication or writing any such intention was to be an overt act. The next class of offences was the compassing or imagining the deprivation of the Crown, or the taking from the Crown any part of its dominions; and these offences were to be evidenced in the same way—by publication, or by open and advised speaking. The next offence was the compassing or imagining the levying of war, with the intention of overawing the Crown or the House of Commons; and the overt act in this case was similar to those which he had already stated. The indictment was to be for the wilful intent to commit any of these offences; and, so from being an extension against the liberty of the subject, the ungrammatical words complained of contained a point rather favourable to the persons accused of any of these offences. Instead of stating that persons so offending should be guilty of felony, a distinct mode of proof was laid down on the face of the indictment; and of course that was much more favourable to the subject than the mere creation of the felony in so many words, and leaving the proof to be established in any way it might. He had thought that the insertion of these words by him was a duty he owed to the people; and they protected, instead of invading, the liberty of the subject.

Mr. WAKLEY was astonished, after the many conflicting opinions which been advanced by legal Gentlemen in that House on the proper construction of the third clause, that the Attorney General should strive so hard to retain it. The Attorney General had stated that the Government by this Bill were not seeking for fresh power; but if that was not their intention, why had they introduced the Bill at all? Why did the hon. and learned Gentleman deny that the object of the Government was to create a new crime, and to obtain increased power, and by that means jeopardise the expression of public opinion in this country? That was the whole case of the Government; and he did contend that it was most unfair on the part of the Government to pretend, when seeking for such a measure as this, that it was, in point of fact, a mitigation and not an increased severity. Why, look at what had transpired in this metropolis within the last few days. Look at the manner in which the institutions of this country had been upheld; look at the way in which they had been endeared to the people of this kingdom. After what they had seen of the conduct of the people, he maintained that the asking for such a power as this against the people, amounted to a libel upon the good faith and the liberty of the people of this country. In his opinion it was a most atrocious libel. The Government was acting as though a desire had been manifested in this kingdom to attack the Queen, and to lessen her just authority. Now, the Government must feel that the unconstitutional steps which they were taking to infringe upon the liberties of the people, were in direct violation of the principles which they had professed in former times. The Government ought to be aware of what they were doing, and the manner in which they were supported by Gentlemen on the Opposition side of the House. There was not a declaration which the Government made on reference to this Bill, which was not cheered on the opposite side of the House. It was a Tory Government with a Tory Opposition. It was absolutely the fact; and he did trust that in the course of a very few days the hon. Gentlemen opposite would change places with those on the Ministerial side of the House, and that they would give the Radical Members an opportunity of sitting where they ought to sit. The Radical Members were in opposition to the Government; hon. Gentlemen opposite were not. The people of this country had proved themselves to be loyal, and anxious to defend the institutions of the country; they wished to preserve to themselves the privilege of boldly and fearlessly expressing their opinions on public questions; and that was the way in which the Governments of this country had been enabled to sustain their power. That was the way in which the institutions of this country had been supported. If they allowed abuses to eat their way into their establishments until they festered, and cankered, and grew rotten—and that would be the case if they suppressed the free utterance of public opinion—they might depend upon it that this country would soon fall from its present pre-eminent position. The Government was about to inflict upon this country all the horrors of the Six Acts. The people would henceforward be deprived of the privilege of advocating useful changes in the public institutions of the country which must become necessary from time to time. The Government could scarcely be aware of what was said out of doors relative to the course they were pursuing. The middle classes, upon whom the Government endeavoured to rest for support, were astonished at the manner in which a Government calling itself a "Liberal Administration" was dealing with the public institutions of the country. There was not a power which the people possessed that was of more value in the sustaining of our institutions and a Liberal Administration, than the power of boldly and candidly expressing public opinion. But the Government was absolutely pursuing a course against which even Mr. Pitt protested; so that now, for the first time in the history of this country, and that, too, under the auspices of a "Liberal" Government, open public speaking was made a criminal offence. If this course were persisted in, then he contended that it was the Government that was endangering the institutions of the country, and not those out of doors who were demanding reform. Why, what could be more hostile to the Crown of this country than to make the masses of the people dissatisfied with the course which the Ministers of the Crown were pursuing? Was it right that because some parties in Ireland had done wrong, the people in England and Scotland should suffer? And that was really the course of legislation which the Government were pursuing. In his opinion nothing could be more impolitic or unwise than that course. The hon. Gentlemen on the Opposition benches saw that the Government was playing their game; they were quite delighted with the present Ministers and their measures. And well they might be, for he would undertake to say that if a Tory Minister were in power at that moment, he would not dare to propose such a measure as this. But because the present Ministry had come in under false colours, a portion of the people were silent on their conduct. That portion of the people could not believe that the noble Lord at the head of the Government was falsifying the principles which he formerly professed; and consequently the course which he was now pursuing was tolerated. This discussion had now lasted somewhat longer than three hours and a half; and it was very likely that a long discussion would take place in Committee. If the Radical party in the House did its duty, and were true to its own principles, it would not allow the Bill to pass with the words "open and advised speaking." Powers were possessed by minorities in that House which they were bound to exercise on great occasions; and if the Radical minority were united amongst themselves, he believed they would be able to prevent the objectionable words from being retained. Seeing the vital importance of the question at issue, they would be guilty of a most disgusting betrayal of their own principles, if, possessing the power to which he had referred, they failed to exercise it. He entreated the Secretary of State for the Home Department to take a careful review of all that had been said. If the Government did not yield, he, for one, would obstruct the progress of the Bill as far as possible; and he believed there were many other hon. Members who would join him in that course.

Mr. AGLIONBY hoped that the House would allow the Bill to go into Committee, when objections to the words "open and advised speaking" could be more appropriately discussed. He hoped that the Government would consent to adopt the suggestion which he had made two or three days ago, to the effect that "open and advised speaking" against the institutions of the country, in the manner mentioned in the Bill, should not be regarded as a felony, but merely as a misdemeanour; and that the privilege of being being bailed out upon arrest be allowed, and that on conviction the prisoner might be condemned to hard labour at the discretion of the Court.

The House divided on the question, that the Speaker do now leave the chair:—Ayes 287; Noes 33: Majority 254.

List of the Ayes.

Abdy, T. N.
Adair, H. E.
Adair, R. A. S.
Adare, Visct.
Aglionby, H. A.
Alcock, T.
Alexander, N.
Arkwright, G.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Bailey, J. jun.
Baines, M. T.
Baldock, E. H.
Baring, rt. hn. Sir F. T.
Barnard, E. G.
Barrington, Visct.
Bateson, T.
Bell, M.
Bellew, R. M.
Benbow, J.
Bennet, P.
Bentinck, Lord H.
Berkeley, hon. Capt.
Bernal, R.
Bernard, Visct.
Birch, Sir T. B.
Blackall, S. W.
Blake, M. J.
Blakemore, R.
Blandford, Marq. of
Bourke, R. S.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Bremridge, R.
Broadley, H.
Brockman, E. D.
Brotherton, J.
Brown, W. S.
Bruce, Lord E.
Buck, L. W.
Buller, C.
Bunbury, W. M.
Bunbury, E. H.
Buxton, Sir E. N.
Cabbell, B. B.
Campbell, hon. W. F.
Cardwell, E.
Carew, W. H. P.
Castlereagh, Visct.
Cavendish, hon. C. C.
Chaplin, W. J.
Charteris, hon. F.
Chichester, Lord J. L.
Christy, S.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clifford, H. M.
Codrington, Sir W.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Cotton, hon. W. H. S.
Cowan, C.
Cowper, hon. W. F.
Craig, W. G.
Cripps, W.
Cubitt, W.
Damer, hon. Col.
Davies, D. A. S.
Dawson, hon. T. V.
Divett, E.
Douro, Marq. of
Drumlanrig, Visct.
Drummond, H.
Duff, G. S.
Duncan, G.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Du Pre, C. G.
Ebrington, Visct.
Egerton, Sir P.
Ellice, E.
Elliot, hon. J. E.
Evans, J.
Evans, W.
Farrer, J.
Ferguson, Col.
Filmer, Sir E.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, S. W. L.
Fuller, A. E.
Gaskell, J. M.
Glyn, G. C.
Godson, R.
Gordon, Adm.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granby, Marq. of
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Grosvenor, Lord R.
Gwyn, H.
Haggitt, F. R.
Halford, Sir H.
Hall, Sir B.
Hall, Col.
Hallyburton, Lord J. F.
Hamilton, G. A.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, hon. Capt.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayes, Sir E.
Hayter, W. G.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heathcote, G. J.
Henley, J. W.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Hood, Sir A.
Hope, H. T.
Hope, A.
Hornby, J.
Horsman, E.
Houldsworth, T.
Howard, hon. C. W. G.
Howard, P. H.
Hudson, G.
Humphery, Ald.
Hutt, W.
Jackson, W.
Jervis, Sir J.
Jocelyn, Visct.
Johnstone, Sir J.
Jones, Capt.
Keppel, hon. G. T.
Ker, R.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.

Law, hon. C. E.
Lennard, T. B.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Locke, J.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lygon, hon. Gen.
Mackinnon, W. A.
M'Naghten, Sir E.
Macnamara, Maj.
M'Neill, D.
M'Taggart, Sir J.
Manners, Lord C. S.
Marshall, J. G.
Marshall, W.
Martin, C. W.
Martin, S.
Masterman, J.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Maxwell, hon. J. P.
Monsell, W.
Moody, C. A.
Moore, G. H.
Morgan, O.
Morpeth, Visct.
Morison, Gen.
Morris, D.
Mulgrave, Earl of
Mundy, E. M.
Napier, J.
Neeld, J.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Sir P.
Ogle, S. C. H.
Ord, W.
Owen, Sir J.
Palmerston, Visct.
Patten, J. W.
Peel, rt. hon. Sir. R.
Perfect, R.
Peto, S. M.
Plowden, W. H. C.
Price, Sir R.
Prime, R.
Pugh, D.
Pusey, P.
Raphael, A.
Reid, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Robartes, T. J. A.
Romilly, J.
Rufford, F.
Russell, hon. E. S.
Rutherfurd, A.

Sandars, G.
Scott, hon. F.
Seaham, Visct.
Seymer, H. K.
Seymour, Sir H.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Shirley, E. J.
Slaney, R. A.
Smith, J. A.
Smith, M. T.
Smyth, J. G.
Somerton, Visct.
Somerville, rt.hn.SirW.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stanley, hon. E. J.
Stanton, W. H.
Staunton, Sir G. T.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Sturt, H. G.
Talbot, C. R. M.
Talfourd, Serj.
Tancred, H. W.
Tenison, E. K.
Tennent, R. J.
Thesiger, Sir F.
Thornely, T.
Tollemache, hon. F. J.
Tollemache, J.
Towneley, J.
Townshend, Capt.
Trelawny, J. S.
Trollope, Sir J.
Turner, E.
Turner, G. J.
Tynte, Col. C. J. K.
Vane, Lord H.
Verner, Sir W.
Wall, C. B.
Walpole, S. H.
Ward, H. G.
Watkins, Col.
Wawn, J. T.
Wellesley, Lord C.
Westhead, J. P.
Whitmore, T. C.
Williams, J.
Williamson, Sir H.
Wilson, M.
Wood, rt hon. Sir C.
Wood, W. P.
Wrightson, W. B.
Wyvill, M.

TELLERS.
Tufnell, H.
Hill, Lord M.

List of the Noes.

Blewitt, R. J.
Bowring, Dr.
Bright, J.
Callaghan, D.
Cobden, R.
Fagan, W.
Fagan, J.

Fox, W. J.
Gardner, R.
Grattan, H.
Greene, J.
Hume, J.
Keating, R.
Kershaw, J.

M'Gregor, J.
Meagher, T.
Mowatt, F.
Muntz, G. F.
O'Brien, T.
O'Connor, F.
Osborne, R.
Power, Dr.
Power, N.
Reynolds, J.
Salwey, Col.

Scholefield, W.
Scully, F.
Smith, J. B.
Sullivan, M.
Thompson, Col.
Thompson, G.
Wakley, T.
Walmsley, Sir J.

TELLERS.
O'Connell, J.
Crawford, W. S.

House in Committee.

On the 3rd Clause it was proposed that the words "open and advised speaking" be left out of the clause.

Mr. MOWATT considered this was one of the most important questions that had ever been submitted to Parliament since he had attained the age of manhood. He was from his heart and soul opposed to this Bill, more particularly to the third clause, and to the words, "open and advised speaking." It was a step backwards in the era of legislation. He had no sympathy with those madmen and fools who had been spouting sedition, either in Dublin or the Convention, and he would gladly lend his aid to any reasonable measure for the purpose of repressing their highly reprehensible conduct; but this clause went beyond the necessity of the case, for the law, as it at present existed, was wholly adequate to meet the exigencies of the time. The onus of proving the existence of the necessity for this law, lay upon those who were the proposers. No Member of the Government had attempted to prove that necessity except the noble Lord. The noble Lord had alluded to the events which were passing around, and to the times in which we lived, as proof of the necessity of passing this law. But surely our institutions were in much greater danger in 1795, when we had clubs all over the country affiliated to the Society of Jacobins—when the Monarch had been personally attacked on his way down to open Parliament. Surely the noble Lord would not contend that the present times were more exciting and alarming than those of 1795. The noble Lord had complained that when these sedition-mongers were committed for trial, they were, under the present law, permitted to be out on bail, to add to their crimes by repeating the offence. But it should be remembered that, on conviction, they could be subjected to imprisonment for three years, and to the imposition of a fine of unlimited amount. If that were insufficient to stop the career of these men, and the noble

Lord having tried the present power of the law had found it wanting, no reasonable man would refuse to give him further powers if he could make out a case requiring them; but the noble Lord had not done so. He rested his case upon the fact that men out on bail repeated their offences; and the course he should have pursued should have been to have asked for a measure enacting that a person committed for a second offence of this nature should not be admitted to bail. He differed in opinion from the Attorney General as to the construction of this clause, and contended that after it became law any person who should either in that House or out of it express an opinion, under any circumstances, that any colony might be separated from the mother country, however much such separation might conduce to the advantage of the mother country itself, would be guilty of felony. He was sure that the great majority of the Members of that House, and the vast mass of the community, were unaware of what would be the working of the Act, or no organ of the press could ever have contended that it would be a salutary measure. He thought the measure had been brought forward in indecent haste, without any just ground, and considered it a monstrous violation of the two fundamental principles of our constitution—the freedom of speech, and the freedom of the press. Nothing but the failure of the existing law to put down these offences could justify the attack now made on the liberties of the people; and he believed that the sympathy which would be excited in favour of the suffering parties would be attended with the most dangerous consequences. It was not sufficient for the Government to direct their attention to the conduct of the parties against whom this measure was directed. They ought to apply their mind to the consideration of the causes of the existing discontent, and endeavour to remove them by extending the elective franchise, and thus affording the people an opportunity of nominating their representatives.

The Marquess of GRANBY was quite ready to admit, that a wide distinction should be drawn between the conduct of the man who in his own chamber sat down and deliberately wrote sedition and treason, and that of him who before a public assembly, perhaps carried away by the very honesty of his feelings, used terms and said things which he might afterwards not even recollect, and most deeply regret. At the same time he must be allowed to observe that the unfortunate and deluded classes who might listen to that sedition or treason might be the same—the venom as obnoxious, the poison as deleterious in the one instance as in the other. He might go further, and, knowing the powerful effect eloquence had on the human mind, he might say that treason spoken was still more dangerous than treason that was written. Why, then, it might be asked, should they assign the same punishment in both cases? His answer was this—punishment was inflicted for the prevention of crime and the security of society. He had, therefore, come to the conclusion that the words proposed to be left out ought to be retained in the clause. If the effect of the Bill should be to make men consider more earnestly and deeply what they might utter at large assemblies of the people—if its effect should be, not to confine punishment to the hand that executed, but the mind that devised and the language that excited to treasonable acts—whether that language was the result of thoughtlessness, folly, or vanity—all classes of the country, the peaceable, the loyal, and the most anxious to reform real and proved abuses, would owe a debt of gratitude to the Government for having brought in this Bill. At the same time he was bound to express his regret that, backed as they had been by the almost unanimous support of that House, the concession they had made showed that they were rather inclined to confide in the forbearance of the majority, and their unwillingness, at the present time, to embarrass the movements of the Government.

Mr. CLAY must, in his conscience, object to the retention of the words in question. The law was at present extremely inefficient, and no doubt the Bill now proposed would be a great improvement if the Government would make the crime a misdemeanour instead of a felony, and take it out of the class of bailable offences. He entertained the most anxious hope that that suggestion would be agreed to, and that the Government would consent to accept a law which he believed would be equally efficient as, and certainly more constitutional than, the one proposed. If they would not do so, he feared that they would send to the country a law bearing upon its face the fatal stamp of fear and excitement, if not with some admixture of a more vindictive feeling. Indeed, the concession which the Government had promised, making that part of the Bill have only a temporary action, was a distinct admission that a general and permanent law had been asked for to suit a particular time and particular persons. It could not be denied that there was a great difference between words spoken and words written, for whereas the latter implied malice aforethought, and were read and re-read over and over again, the former had little effect beyond the circle to whom they were addressed, because it could not be expected that all that was spoken would be reported, and their effect went off after the effervescence of the moment. For these reasons he could not agree to the retention of the words; and he cherished a most anxious hope that the Government would yield to the generally-expressed feeling of Members of that House — of Members who were not very violent partisans, and would consent to the omission altogether of the objectionable words. But at the same time, when the surgeon's knife was placed in their hands, he called upon them not to content themselves with the excision of the cancered heart; but for God's sake, and for the love they bore their country, to turn their attention to those alterative and remedial measures which alone could prevent the reappearance of the disease in another, perhaps a more vital part.

Mr. EWART trusted the Government would consider that it was not by penal measures, but by remedial measures alone, that the country had enjoyed the greatest amount of happiness and freedom. In all questions concerning offences of "opinion," our laws always held that that opinion must be expressed deliberately and of aforethought. That was the principle and intention of our law; yet that principle, the retention of these words would violate. He should wish to vote against the words altogether; but if some words to the same effect were to be retained, he should suggest that it should be "public speaking," instead of "open speaking," and that the public speaking should be repeated more than once. He knew there were some hon. Gentlemen who were in favour of this clause, because it made that felony which was before treason. He did not share that opinion with those hon. Gentlemen, and was of opinion that transportation should not be the punishment for offences of opinion. He had not opposed the first and second reading of this Bill, and had offered it only a qualified opposition; but as he was confident there was good reasons for opposing this clause, he should vote against it.

Mr. AGLIONBY said, that before the Committee came to a division upon this clause, which he hoped would not be long, he wished to observe, that his hon. and learned Friend the Member for Reading (Mr. Serjeant Talfourd), in quoting the case of Colonel Despard, had omitted to mention that there was a certain ingredient in that offence, and that was, that the gist of the offence was conspiracy. He took his stand not so much upon the construction of old statutes, as upon the belief that the Government would not meet with the sympathies of the public, if they did not show that there was a distinction in their minds between the deliberate overt act of publishing and printing, and the less criminal act of opinion. Portions of the Bill were, no doubt, ameliorations of the existing law, and he thought that the country would thank them for it. Where they had taken extended power, he thought they required it; but still he must oppose the words "open and advised speaking," because he thought them unnecessary and mischievous. He wished no one to suppose, however, that in voting for the omission of those words they left the offence unpunishable, because it was his intention to propose the substitution of other words, which would, he believed, amply meet the case, and would receive the general support of the House. In conclusion, he must tender his thanks to the Government for the energy and promptitude with which they acted on Monday last. But for their very excellent arrangements, the whole town might have been in a state of anarchy and confusion, and they might have had to deplore the loss of hundreds of their fellow-countrymen.

Mr. BAINES said, that very material improvements had been made in this Bill since it was first introduced; but he could not bring himself to say he could adopt, even as a temporary measure, the clause they were now discussing. They should be very cautious how they adopted, even as temporary, that which was objectionable in a constitutional point of view, for the temporary measure of to-day might become the precedent for a temporary measure to-morrow. With respect to the words in question, he must call the attention of the Committee to what he conceived to be a great constitutional question connected with the subject—that they were putting bare words on the same footing as an overt act or deed. They must not rely for their guidance on the Statute-book or the *State Trials*, for there was to be found in the former more bad, slavish, and tyrannical legislation, and in the latter more bad, slavish, and tyrannical conduct on the part of the Crown lawyers, than any one would imagine. Our great constitutional authorities, Coke, Hale, and Foster, had all laid it down that mere words without any overt act never could amount to treason; and Mr. Pitt, Lord Grenville, and Lord Eldon had introduced their statutes upon that principle. By this Bill, it was sought to convert into a felony that which was now only a misdemeanour; and, for it, the punishment that might be inflicted was the highest known to the law, except capital punishment, which was happily confined to but few cases—and the same as was, in fact, inflicted upon Frost and his associates for overt acts of treason. How would the law stand if this part of the clause were left out? Spoken words would then be punishable as a misdemeanour to the extent of fine and imprisonment. If any person could be shown to have directly incited by words another person to any one of the acts mentioned in the Bill, and that act were committed, the former was to all intents and purposes an accessory before the fact, and upon every principle of law would be treated as a principal. That was the state of the law at present; there was ample power already of adjudging the necessary punishment to all these offences; and what he asked was, that they might not be removed out of the class of misdemeanours, and placed under the head of felonies. He had not—and he trusted it would not be supposed he had—uttered one word of extenuation for practices and principles which he abhorred, or of encouragement to those who had made so many poor persons their unhappy dupes. He was most anxious to find a proper punishment for the perpetrators and abettors of offences such as these; but he greatly feared that the Bill, while it violated constitutional principles, would not effect that desirable object.

Mr. SERJEANT TALFOURD was anxious to state the reason why he had arrived at a conclusion different from that come to by many friends from whom it was painful to differ, and thought it was the imperative duty of the House to retain the words. He did it because their enactment seemed to him to be just, and because his own painful experience of the consequences which had arisen from the use of seditious incentives, led him to think that there was a great defect in the law which measured out one degree of punishment to those who incited to intrigue, and a higher degree to those who acted under that excitement. The experience of what occurred at Stafford in 1842 had exhibited the practical working of the law in a most vivid manner. When the people in that county were on strike, and in a state of disquietude, agitators from a distance came among them, and after most inflammatory incentives had been addressed, on the fatal morning of the 15th of August the excited populace rushed to the destruction of property of every kind, and by every means; and the result was that felonies were committed to so large an extent that a special commission was deemed necessary to try the offenders. And when he thought of the painful scenes he was compelled to witness when discharging the duty of public prosecutor—when he saw young lads charged with, and found guilty of, taking part in robberies, to the commission of which they had not the slightest intention in the morning, and subjected to the punishment entailed upon felony—and when he found that those who had spoken the incentives were subjected merely to the punishment of misdemeanour, after ten days' trial, and the stoppage of every other business—he confessed he did feel ashamed of the inequality of the law. He did not regret that in that particular case the principal agitator, Cooper, did escape, because he was born with better hopes, and gifted with better powers, and had, since the occurrence, without resigning a single opinion, devoted his powers to lofty and useful themes. But it was not necessary to have Cooper's talent—it was not necessary to have much talent—to infuse poison into veins already burning with discontent and excitement. Reference had been made to the difference between written and spoken incentives to crime. Now, he who wrote appeals to the passions, addressed himself in a certain degree as from thought to thought; at all events the appeal could only be made to those who were able to read, where numbers were not congregated together, and where the spirit of frantic enthusiasm could not be so easily communicated from eye to eye and from heart to heart; but he who understood the precise moment in which his treasonable incitements were most likely to be efficacious—he who understood how to play on the calamities and sufferings which must be the lot of man in this world, particularly in crowded and dense populations, and who at the proper moment presented to the minds in a state of vehement excitement the particular principle he wished to have adopted—availed himself of a more dangerous instrument, and entailed upon himself a deeper guilt, than the man who addressed his incentives publicly through the press. And when he was told by some friends whom he esteemed that the freedom of discussion was in danger, because words spoken with a certain intent were made felony, he would ask them where was their solicitude for the safeguard of the constitution, which was the liberty of the press, seeing that the same punishment as that objected to for words spoken would apply by the terms of the clause to words published? Now, it was a mistake, and he apprehended that in truth those who used the argument against spoken words confounded two things which were entirely different, and were, in truth, only associated together because they were presented to one organ. He could not help thinking that his hon. Friend the Member for Bolton (Dr. Bowring), whose writings and speeches he had always regarded with the highest admiration from his earliest years—he could not help thinking, he said, that his hon. Friend had been a little misled by that natural sympathy he must feel for everything relating to the free expression of thought, and had confounded two things essentially different. He had confounded the aberration of a noble nature who, under the excitement of a moment, saw the future in the instant, and who, under the impulse of feelings which arose from the contemplation of oppression and wrong, used some expressions which seemed to pass the bounds of legitimate discussion, but for which in his cooler moments he would feel regret; there was no relation between that and the treasonable language of a bad and corrupt heart, advisedly persuading a treasonable course. There was no more relation between the two things, because the same organ was addressed, than there was between obscene and slanderous publications and the noblest effusions of genius, because the same machinery gave them forth to the world. It had been also objected to the clause, that evidence as to the intent could not be safely relied upon, because words were capable of being misheard and misreported; but if such an objection was to hold, he should like to know what could be said of the many convictions which had taken place for murder, where the chief evidence was that of words used by the persons accused, sometimes presenting themselves in the shape of a suggestion, sometimes the plan hinted at, sometimes the result anticipated, and all brought to bear upon the accounts given at different times by the prisoner, and with such facts as existed relative to the mode and manner in which the crime had been committed. In fact, all these circumstances were some of the means given by the God of nature to enable us to detect crime, and which ought to be watched and attended to, otherwise we were neglecting the means which Heaven had given us to arrive at the truth. It had been said by one of his learned Friends that if the overt act followed the incentive, the person making use of the words would be liable to the higher punishment. Why, the crime of compassing the death or devising means for deposing the Queen, was in the words. If one person instigated another person to bring about the death of the Queen, would not that amount to treason, although the overt act failed, or was not attempted? And if the crime was high treason when the incentive was addressed only to one person, was it not as much high treason when it was addressed to ten thousand? God forbid that the punishment should only follow the actual commission of the offence! On these grounds, and bringing painful experience to bear upon the question, he confessed that he felt grateful to the Government for proposing the present measure, because he thought the change was calculated to secure substantial justice. It was not from the earnest, honest, and intelligent followers of the hon. and learned Member for Nottingham—it was not from them or from their public or private speeches—that he apprehended danger. He did not believe that the great body of those men, who looked, perhaps, too fondly upon the Charter, supplied the materials from which the most danger was to be apprehended. He apprehended most from the addresses of unprincipled agitators to the profligate, the despairing, and the hungry—men who had no notion either about divine obligation or of political right. He would venture to say, that among the poor persons tried at Stafford, to the number of some hundreds, that scarcely one of them had the dimmest notion of political rights or duties, and that they were actuated by nothing but a frantic enthusiasm. If, on the present occasion, he had had an opportunity of appealing to the learned persons who took part in the political trials in which he himself was engaged—Lord Campbell, Mr. Justice Wilde, or Sir F. Kelly, who most ably defended the prisoners—he was sure they would agree with him in thinking that of those deluded thousands that followed Frost in the dead of night from the hills of Monmouthshire to the valley; and who were led by him to the Westgate Inn to be fired at by soldiers, some of whom fell while the dastardly traitor had skulked away in search of concealment—and who, in an hour afterwards, was found shedding tears—unavailing tears—over the slaughter which he had been the means of causing. Not one in twenty knew anything at all about the six points of the Charter, to promote which they were brought together. He therefore supported the proposed change, believing that it was essentially necessary to the dealing out of equal justice, that the crime of felony should attach to the instigator as well as to the deluded beings who acted under the impulse which that instigator communicated. He had not arrived at that conclusion under the influence of panic. He firmly believed that the events which were taking place on the Continent of Europe, even although the leaders should be as successful in maintaining order and peace, and establishing a reasonable degree of freedom, as he wished them to be, would only have the effect of endearing and strengthening the attachment of the people of this empire to the law, the Church, and the Crown; and tend to knit together with more firm and intense union men of all parties whose shades of difference had now become fainter in the presence of their great duties. It was not from any present apprehension of the great body of the English people, that he desired to see the measure carried. It was because he feared advantage would be taken of the wants, the discontents, the privations of the people in after times, and that other agitators would arise, against whose incentives it was necessary to guard the suffering masses; and with this view he did hope that the Legislature would provide at the least for an equal punishment where the greater guilt existed.

Mr. MOORE would oppose this measure, not because it was to impose upon Ireland a provision of English law, but because under that pretence it armed the Executive with a new and terrible power over the expression of opinion in this country. The programme drawn by the right hon. Baronet the Home Secretary in introducing this measure, had been absolutely full of allurement and attraction. The Bill, he said, was only to assimilate the law between England and Ireland; and, in that kind feeling which the Legislature had always evinced towards the Irish, it was intended, in applying the law to them, that it should be shorn of its severity, and that thus the English people also would reap the benefit of this most merciful Act. Such had been the profession of the Government; but the debate had shown the reality of the case to be the very reverse. A blow was aimed at the liberties of the whole empire, under the pretence of striking at Irish crime. As to the explanations that had been given, he could only say that, after listening to the statements of a dozen learned Gentlemen, he was more at a loss to comprehend both what the law actually was, and what it was proposed to make it, than he had been before he had heard a word they had uttered. He begged to ask the hon. and learned Attorney General whether he meant to assert that all words and modes of expression, which were made felony by the present Act, would be overt acts of treason under the old law? If not, on what ground was it that, when such an enactment was proposed by Mr. Pitt, it was opposed by the old Opposition, and withdrawn by Mr. Pitt? If they were not indictable under the old law, and did become felony by the present Bill, was not this a new law of felony which interfered with the right of free discussion? If such words were overt acts of high treason under the old law, then all the authorities which had been hitherto looked to with respect were totally mistaken; and the hon. and learned Member for Reading had revealed something new to the world. The right hon. Baronet who opened the debate, in referring to a speech of the hon. Member for Nottingham, showed that there were distinctions which only persons learned in the law could comprehend; and was it not terrible to think that guilty men, who knew the law, might escape a punishment which the ignorant, but less guilty, might incur? They were in the habit of considering themselves an enlightened, liberal, and reformed Parliament. He would read what an unenlightened and unreformed Parliament, held at the close of one of the most arbitrary reigns in our history, had said—the Parliament held at the beginning of the reign of Queen Mary. In repealing one of the arbitrary enactments of a preceding reign, the Statute 1 Mary, Sess. 1, cap. 1, said—

> "Forasmuch as the state of every king, ruler, and governor of any realm, dominion, or commonalty, standeth and consisteth more assured by the love and favour of the subjects toward their sovereign ruler and governor, than in the dread and fear of laws made with rigorous pains and extreme punishment for not obeying of their sovereign ruler and governor; and laws also justly made for the preservation of the commonweal, without extreme punishment or great penalty, are more often for the most part obeyed and kept than laws and statutes so made, whereby not only the ignorant and rude, unlearned people, but also learned and expert people, minding honesty, are often and many times trapped and snared, yea, many times for words only, without other fact or deed done or perpetrated."

He called upon those Gentlemen who were in the habit of speaking, and, properly so, of the wisdom of our ancestors, to take care that they did not now pass a law which, in the time of Henry VIII., was thought oppressive, which might trample down the right of free discussion, and choke the voice of the people.

Mr. OSWALD wished to express his sincere and heartfelt regret that the Government had brought in this Bill without first considering what was the smallest amount of penalty that could repress the crime. He regretted that they did not take the lowest amount of penalty; and he regretted still more that they did not resolve that the measure should be a permanent one.

Mr. M. MILNES said, it should be recollected that this Bill when it became law might fall into the hands of other Ministers than the present. He was obliged to oppose the Clause, and he did so, not from any disrespect to the Government; neither did he do so from any sympathy with some who had raised their voices with rather an unnecessary asperity against it. The views of Mr. Fox upon such subjects had been alluded to; but he believed that the opinion of Mr. Fox was, that if necessity caused any deviation from the principles of the constitution, that deviation ought to be made in as distinct a manner as possible, so as to make the exception from the general rule; and, for his part, he protested against the idea that Her Majesty's Government were to be fettered in their actions by the traditions of any party whatsoever. If they looked at an Irish newspaper, or at an English newspaper, in which the proceedings of the Chartists were described, they might say that such proceedings ought not to go unpunished; but then they ought to recollect for how many years this country enjoyed a social security, exceeding that of all others, at the same time that there was allowed a freedom of speech which, though liable to abuse, had never affected the security of the Crown, or the dignity of that House. He, therefore, did not think that a case had been made out for these peculiar powers under the Bill. His hon. learned and poetic Friend (Serjeant Talfourd) had allowed his vivid imagination to lead him into a fallacy, for the very cases which he had described with such glowing imagery and power of diction had been found punishable under the ordinary law. It must have been the desire of many Governments and many monarchs in this country to have enacted such a Bill as that now passed. But the greater portion of the legal authorities of the day were against it, and it could not be done. The noble Lord boasted of having a commanding majority; he warned him against playing it off against the wishes and the feeling of the country. For his part, he was by no means prepared to give any additional facility to the Government for the institution of Crown prosecutions, which, in many cases, were of dangerous tendency. The Government must be quite aware that neither this nor any similar law would be able to effect any alteration in the habits of the Irish. The juries would just be as unfair upon one side as they were upon the other. The jury which had convicted Mr. O'Connell had been entirely ruined. He had been assured that they suffered most grievously in their private circumstances; and he was quite convinced that had a Catholic jury brought in a verdict opposed to Protestant feeling, the circumstances would have been just the same. He would warn the noble Lord against doing any act, at the present moment, which would tend to impress on the public mind of Europe that he entertained the slightest fear of the security of the Crown and the constitution of these kingdoms. It was his opinion that they were never so safe as they were at present, and that instead of restricting they ought to give greater liberty to the people.

Mr. B. COCHRANE regretted that the Bill should be limited to the period of two years. It appeared to him that what was sedition in 1848, would be equally sedition in 1850. He must say that he had heard language in that House which had astonished him. It was a matter of wonder to him that the hon. Member uttering such traitorous sedition should have been permitted to retain his seat. He had heard the hon. Member for Limerick assert that he was prepared to take up arms in opposition to the constitution, and that he would advise his friends to take up arms also. He was prepared to give his support to a measure twice as stringent as that now proposed.

Mr. F. O'CONNOR advised the noble Lord at the head of the Government to beware how he adopted advice which came from the Opposition side of the House, from which nothing could emanate favourable to his Government. The late Attorney General (Sir F. Thesiger) gave it as his opinion that it was not necessary to put the precise words in the indictment; all that was required was the mere construction. He had never in his life heard such an unconstitutional doctrine. The Bill was in reality a suspension of the Habeas Corpus Act; it took away the right of bail and the right of traverse; a prisoner might remain in gaol for eight or nine months before he was brought to trial, unless a special commission were issued to try his offence. To show the danger of relying upon language attributed to public speakers, he would read to them an extract from the *Sun* newspaper, in which he was reported to have said—

> "Let them pass that Bill, and on that day week one hundred secret societies would be established throughout the country, and he would go about and organise them."

Now he had never said any such thing; and when such a mistake as that could be made, where everything was conducted calmy and deliberately, what might they expect at meetings where excitement and tumult prevailed? He had said the very contrary of what was there attributed to him, and had positively stated his determination to oppose the formation of all secret societies. He would put it to them, what would be the feeling of the country if he had abandoned his duty by not having taken his place at the head of the procession on Monday last, although it had been forbidden by the Government? Had there been a collision with the authorities, what would have been his own feelings if he had not been present to share the danger and responsibility, as he had previously identified himself with the movement? The hon. Member for York had attributed to him the authorship of an article advocating a republican form of government. What was the fact? The article complained of was written in abuse of the people of the United States, and in caution to the French people against following their example. It also advocated the election of the President for life; and so far was it contrary to what was represented by the hon. Member, that not one word throughout the whole of it referred to England. The entire press was opposed to the Chartist movement; and he might tell them what was very well known, that the press was paid, not for representing the truth of public opinion, but for the purpose of misreporting and colouring it, in order to meet the views of those who read it. The *Times* newspaper, of the 10th inst., reported a very violent speech, said to have been delivered at a Chartist meeting, held at Blackheath, upon Sunday, the 9th instant. Now, he had received a letter from Major General William Napier, stating to him that no meeting of any kind was held there that day. Would any man define to him what was the meaning of "open and advised speaking?" He defied them to give a definition. "Oh!" said the Solicitor General, "we preserve this vague and ungrammatical clause, merely because we found it ungrammatical; and we are tenacious of our Saxon forms of expression, even where they mean nothing." What was foolishly, rashly, and intemperately spoken by a man opposed to the Government, would be considered open and advised speaking: that was the real truth of the matter. The people of this country had borne more tyranny and injustice than any other people in the world. They bore it more tamely and more patiently, and he warned the Government not to press them too far. They had a large standing Army. Their shopkeepers were bankrupt, and their merchants were losing their capital. Yet no retrenchment was made in the expenditure of the country. Why did they not reduce the civil list? Why did they pay 27,000*l.* to a foreign king—to the King of Hanover? This was a monstrous iniquity, and one which ought to be remedied. The present Government was a most truckling Government to its opponents, and the most unjust to its friends. What did he care what Mr. Cuffey or what any other Mr. Tomfool said?—

> "Fœnum habet in cornu."

This Bill would remove the safety-valve

through which their folly would pass harmless away. He defied the Government to carry the Bill into operation — they dare not. It was his intention to propose an Amendment when they came to limit the duration of the Bill, to the effect that it should be maintained in operation as long as the noble Lord remained in office. Why, they once thought that the income-tax was to be temporary. Did not the smooth-tongued and cunning-lipped Baronet the Member for Tamworth assure them that it would be but temporary, and beg that they would not refuse to the State what the State stood so much in need of? Well, now they were told in the same way, that the State stood in need of this Bill; but were they once to pass it, they would be told, "Oh, as we have it now, we may as well keep it." Suppose it should turn out inoperative: it would then be said, "The law is a dead letter. Let it alone: there is no need for meddling with it." But suppose it should be used: then the answer to any arguments for its repeal would be, "See the utility of the law." Depend upon it, the Bill, once passed, would become as permanent as was the income-tax. Let it become law, and he would traverse the country, morning, noon, and night, and his constant cry would be, "Down with the base, bloody, and brutal Whigs!"

MR. REYNOLDS did not consider the Amendment a modification, for though undoubtedly it did give a discretionary power to the Judge to imprison, it yet left the power of transportation for life untouched. He asked earnestly what were the extraordinary circumstances which called for this Bill? What was there in Ireland? Nothing but a great deal of intemperate writing in the *United Irishman* and the *Nation;* but the other newspapers were temperate. Some one said the *Freeman's Journal* inserted strong articles; but he doubted that—it was as tame as a mouse, and as polite as the *Court Journal.* The other newspapers, too, were as circumspect as a lady's lap-dog. Was it then to be endured that such an Act should pass, to the detriment and disgrace of a whole nation, because a few madcaps got possession of a printing press and an inexhaustible supply of ink in Dublin, and issued seditious writings, from which, besides, it must not be forgotten, they derived a money profit? The operation of this Bill would increase discontent, and diminish the already slender condition of public credit in Ireland, where a run on the savings' and joint-stock banks had already set in. There was at the present moment 12,000,000*l.* of notes more in circulation there than the gold to meet it; and if the panic went on, this deficiency would have to be made up by the Bank of England, which only had bullion in hand to the amount of 14,500,000*l.* He implored the House, therefore, not to pass this Bill, as it would prevent the restoration of public credit and confidence. He repudiated the idea that the minority were pursuing a factious course in respect to this Bill; on the contrary, that they would have been guilty of treason to their constituents had they not offered every possible obstruction to its passing.

The SOLICITOR GENERAL denied that any new offence was created by the Bill. All it did—and he could not too often impress it upon the Committee—was to alter the character of an offence already recognised—already created, both by statute and common law. The Bill before them proposed—and that was all which it did propose—to make an alteration in the step preliminary to trial for an acknowledged offence, and also to introduce an alteration in the nature of the punishment with which that offence was to be visited. In effecting this, too, the law proposed to render the evidence, and the mode in which that evidence was to be received, as precise as possible; thus introducing a very great improvement into the present law of sedition, which he had always been disposed to think was far too vague and uncertain. The practical effect of this Bill would be to put an end to prosecutions for sedition. In every case Government would institute prosecutions for offences of this nature, because the persons present at these seditious meetings would not be found willing to come forward for that purpose; and when Government did so it would not be for the first offence, inasmuch as they would require intimation beforehand, in order to send shorthand writers to take notes of the speeches. It was proposed to send two two shorthand writers to ensure accuracy, and if their notes agreed in every respect it would be impossible to doubt their evidence; indeed, no one had attempted to assert that they could be suborned to swear falsely. It was also proposed to make it impossible for any person imprisoned for this offence to repeat it while in prison by writings to be published out of doors, or by communications with his friends, and, therefore, no such communications would be permitted. Silence would be found the most severe punishment that could be inflicted on these persons. Complaints had been made by some hon. Members that Government had devised no remedial measures, while they were ready enough to pass those of coercion. If the time occupied since last November in talking about the wrongs of Ireland, had been, by a compact with Government, devoted to the advancement of such measures of real utility as the Encumbered Estates Bill, and Government had refused to proceed with them, then these complaints would have had some show of justice. Although it was his opinion that the Bill should be permanent, as he thought it absolutely necessary that Government should interfere for the purpose of preserving the people of Ireland from the evil influences to which they had been exposed, still it had been determined to limit its operation to the period of two years, and if at the end of that time it were found to have had an evil effect, it would not be necessary to renew it; but should that not be so, he thought the measure should be re-enacted.

After a few words from Mr. WYLD, the Committee divided on the question that the words proposed to be left out stand part of the clause:—Ayes 188; Noes 79: Majority 109.

List of the AYES.

Abdy, T. N.
Adair, R. A. S.
Adderley, C. B.
Anson, Visct.
Arkwright, G.
Arundel and Surrey, Earl of
Bagot, hon. W.
Bagshaw, J.
Bailey, J., jun.
Bateson, T.
Beckett, W.
Bellew, R. M.
Benbow, J.
Benett, J.
Bentinck, Lord H.
Berkeley, hon. Capt.
Bernard, Visct.
Blackall, S. W.
Blakemore, R.
Boldero, H. G.
Bolling, W.
Bourke, R. S.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Bremridge, R.
Broadley, H.
Brockman, E. D.
Brown, H.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cardwell, E.
Carter, J. B.
Cavendish, hon. G. H.
Cayley, E. S.
Chaplin, W. J.
Chichester, Lord J. L.
Cholmeley, Sir M.
Christy, S.
Clerk, rt. hon. Sir G.
Cocks, T. S.
Codrington, Sir W.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Cowan, C.
Craig, W. G.
Cubitt, W.
Currie, H.
Davies, D. A. S.
Dawson, hon. T. V.
Denison, W. J.
Dick, Q.
Disraeli, B.
Dod, J. W.
Drummond, H.
Duff, G. S.
Duncuft, J.
Dundas, Adm.
East, Sir J. B.
Ebrington, Visct.
Edwards, H.
Ellice, rt. hon. E.
Filmer, Sir E.
Fitzpatrick, rt. hn. J. W.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fortescue, hon. J. W.
Frewen, C. H.
Gaskell, J. M.
Glyn, G. C.
Godson, R.
Gordon, Adm.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Guest, Sir J.
Gwyn, H.
Haggitt, F. R.
Harris, hon. Capt.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Heathcoat, J.
Heathcote, G. J.
Heathcote, Sir W.
Henley, J. W.
Herries, rt. hon. J. C.
Hervey, Lord A.
Heywood, J.
Hobhouse, rt. hon. Sir J.
Hood, Sir A.
Hope, A.
Hutt, W.
Inglis, Sir R. H.
Jervis, Sir J.
Johnstone, Sir J.
Jones, Sir W.
Jones, Capt.
Keogh, W.
Keppel, hon. G. T.
Knox, Col.
Lacy, H. C.
Langston, J. H.
Lemon, Sir C.
Lewis, G. C.
Lindsay, hon. Col.
Loch, J.
Long, W.
Macnaghten, Sir E.
Macnamara, Maj.
M'Neill, D.
M'Taggart, Sir J.
Manners, Lord C. S.
Martin, J.
Martin, C. W.
Masterman, J.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Maunsell, T. P.
Maxwell, hon. J. P.
Mitchell, T. A.
Morgan, O.
Morpeth, Visct.
Morison, Gen.
Morris, D.
Mulgrave, Earl of
Mundy, E. M.
Napier, J.
Neeld, J.
Noel, hon. G. J.
Ogle, S. C. H.
Owen, Sir J.
Packe, C. W.
Palmer, R.
Parker, J.
Peel, rt. hon. Sir R.
Plowden, W. H. C.
Price, Sir R.
Prime, R.
Pug, D.
Pusey, P.
Rawdon, Col.
Rice, E. R.
Richards, R.
Rolleston, Col.
Romilly, J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Sandars, G.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sidney, Ald.
Slaney, R. A.
Smith, rt. hon. R. V.
Somerset, Capt.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stanton, W. H.
Staunton, Sir G. T.
Stephenson, R.
Stuart, J.
Talfourd, Serj.
Tancred, H. W.
Tennent, R. J.
Thompson, Ald.
Townley, R. G.
Urquhart, D.
Vane, Lord H.
Vyse, R. H. R. H.
Wall, C. B.
Ward, H. G.
Watkins, Col.
Whitmore, T. C.
Wilcox, B. M.
Wilson, M.
Wood, rt. hon. Sir C.
Wyvill, M.
Yorke, hon. E. T.
Young, Sir J.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Adair, H. E.
Aglionby, H. A.
Alcock, T.
Armstrong, R. B.
Baines, M. T.
Barnard, E. G.

Blake, M. J.
Blewitt, R. J.
Bowring, Dr.
Brotherton, J.
Brown, W.
Clay, J.
Clay, Sir W.
Cobden, R.
Crawford, W. S.
Devereux, J. T.
D'Eyncourt, rt. hon. C.
Duncan, Visct.
Duncan, G.
Dunne, F. P.
Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Fagan, W.
Fagan, J.
Fox, R. M.
Fox, W. J.
Gardner, R.
Grace, O. D. J.
Grattan, H.
Hall, Sir B.
Hardcastle, J. A.
Henry, A.
Hindley, C.
Hodges, T. L.
Howard, P. H.
Hume, J.
Humphery, Ald.
Jackson, W.
Keating, R.
Kershaw, J.
King, hon. P. J. L.
Magan, W. H.
Meagher, T.
Molesworth, Sir W.
Moore, G. H.
Muntz, G. F.
O'Brien, T.
O'Connell, J.
O'Connor, F.
Osborne, R.
Pechell, Capt.
Pilkington, J.
Power, Dr.
Power, N.
Raphael, A.
Reynolds, J.
Salwey, Col.
Scholefield, W.
Scully, F.
Smith, J. B.
Strickland, Sir G.
Stuart, Lord D.
Sullivan, M.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Trelawny, J. S.
Wakley, T.
Walmsley, Sir J.
Wawn, J. T.
Westhead, J. P.
Williams, J.
Wood, W. P.
Wrightson, W. B.
Wyld, J.

TELLERS.
Martin, S.
Horsman, E.

MR. EWART moved the addition, after the words "open and advised speaking," of the words "at a public meeting;" but, after a short debate, postponed the amendment, until the bringing up the report.

Some discussion ensued as to the legal effect of a provision introduced by Sir GEORGE GREY, requiring the information against spoken words to be laid within three days, etc., when Mr. HUME moved that the Chairman do report progress. On this question the Committee divided:—Ayes 48; Noes 305: Majority 257.

List of the AYES.

Anderson, A.
Blake, M. J.
Blewitt, R. J.
Bright, J.
Clay, J.
Cobden, R.
Crawford, W. S.
Devereux, J. T.
Fagan, J.
Fox, R. M.
Fox, W. J.
Gardner, R.
Grattan, H.
Greene, J.
Hall, Sir B.
Hardcastle, J. A.
Henry, A.
Hindley, C.
Horsman, E.
Keating, R.
Kershaw, J.
M'Gregor, J.
Martin, S.
Moore, G. H.
Mowatt, F.
Muntz, G. F.
O'Brien, T.
O'Connell, J.
O'Connor, F.
Pearson, C.
Pechell, Capt.
Pilkington, J.
Power, Dr.
Power, N.
Raphael, A.
Reynolds, J.
Salwey, Col.
Scholefield, W.
Scully, F.
Smith, J. B.
Stuart, Lord D.
Sullivan, M.
Thompson, Col.
Thompson, G.
Wakley, T.
Walmsley, Sir J.
Williams, J.
Wood, W. P.

TELLERS.
Hume, J.
Bowring, Dr.

On the question that Clause 3, as amended, stand part of the Bill.

MR. WAKLEY moved that the Chairman report progress, and obtain leave to sit again on Monday.

SIR G. GREY said, the clause had been now three days under discussion, and he was most anxious that they should not break up without agreeing to it, for it was in fact the very spirit of the Bill; if the Committee separated without coming to a decision upon the clause, they would have three more days' discussion upon it. He appealed to the Committee to support him.

MR. MUNTZ would like to know, if the clause had been already three days under discussion, to what that was owing, but the blundering and imperfect manner in which the Bill had been introduced? It was all very well for the right hon. Baronet to be annoyed, but no one cared for that. Those Members of the House who were independent of the Government, and of everything else, had just as much right to be irritated as the right hon. Baronet; and he, for one, must express his annoyance at the provisions of this Bill, and at the way in which it was attempted to be forced upon the House.

The ATTORNEY GENERAL said, that he was surprised the hon. Member had remained so long still, and had not attempted to correct the ungrammatical language of the clause, as they had now arrived at a stage when no amendment to the clause could be moved. The only question was, whether certain words having been added to the clause, the Committee would take the clause as amended or not?

The Committee divided on the question that the Chairman do report progress:—Ayes 39; Noes 270: Majority 231.

List of the AYES.

Blake, M. J.
Bowring, Dr.
Bright, J.
Cobden, R.
Crawford, W. S.
Devereux, J. T.
Fagan, J.
Fox, R. M.
Fox, W. J.
Gardner, R.

Grattan, H.
Greene, J.
Henry, A.
Hindley, C.
Hume, J.
Keating, R.
Kershaw, J.
M'Gregor, J.
Moore, G. H.
Mowatt, F.
Muntz, G. F.
O'Brien, T.
O'Connell, J.
O'Connor, F.
Pearson, C.
Pilkington, J.
Power, Dr.
Power, N.
Raphael, A.
Reynolds, J
Salwey, Col.
Scully, F.
Smith, J. B.
Stuart, Lord D.
Sullivan, M.
Thompson, Col.
Thompson, G.
Walmsley, Sir J.
Williams, J.

TELLERS.

Wakley, T.
Blewitt, R. J.

The Committee again divided on the question that the clause stand part of the Bill:—Ayes 242; Noes 50: Majority 192.

List of the AYES.

Abdy, T. N.
Adair, R. A. S.
Adderley, C. B.
Anson, hon. Col.
Archdall, Capt. M.
Arkwright, G.
Arundel and Surrey Earl of
Ashley, Lord
Bagshaw, J.
Bailey, J., jun.
Baldock, E. H.
Barrington, Visct.
Beckett, W.
Bellew, R. M.
Benett, J.
Bennet, P.
Berkeley, hon. Capt.
Bernard, Visct.
Birch, Sir T. B.
Blandford, Marq. of
Boldero, H. G.
Bolling, W.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Bremridge, R.
Buller, Sir J. Y.
Buller, C.
Bunbury, W. M.
Bunbury, E. H.
Campbell, hon. W. F.
Carew, W. H. P.
Carter, J. B.
Castlereagh, Visct.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chichester, Lord J. L.
Christy, S.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cockburn, A. J. E.
Cocks, T. S.
Coles, H. B.
Colvile, C. R.
Copeland, Ald.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Courtenay, Lord
Cowan, C.
Craig, W. G.
Cripps, W.
Currie, H.
Davies, D. A. S.
Dawson, hon. T. V.
Denison, W. J.
Dod, J. W.
Douro, Marq. of
Drumlanrig, Visct.
Drummond, H.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Dundas, G.
East, Sir J. B.
Ebrington, Visct.
Edwards, H.
Egerton, Sir P.
Ellice, E.
Elliot, hon. J. E.
Estcourt, J. B. B.
Fellowes, E.
Ferguson, Col.
Filmer, Sir E.
FitzPatrick, rt. hon. J.
Foley, J. H. H.
Fortescue, hon. J. W.
Fox, S. W. L.
Fuller, A. E.
Gaskell, J. M.
Glyn, G. C.
Gooch, E. S.
Gordon, Adm.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granby, Marq. of
Grenall, G.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Gwyn, H.
Haggitt, F. R.
Hale, R. B.
Hall, Col.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Harris, hon. Capt.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayes, Sir E.
Hayter, W. G.
Headlam, T. E.
Heathcote, G. J.
Heathcote, Sir W.
Henley, J. W.
Herries, rt. hon. J. C.
Hervey, Lord A.
Heywood, J.
Hildyard, R. C.
Hildyard, T. B. T.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hood, Sir A.
Hope, H. T.
Hope, A.
Hornby, J.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Inglis, Sir R. H.
Jervis, Sir J.
Jones, Capt.
Keppel, hon. G. T.
Knox, Col.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lawless, hon. C.
Lennard, T. B.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Locke, J.
Macnaghten, Sir E.
Macnamara, Maj.
M'Neill, D.
McTaggart, Sir J.
March, Earl of
Martin, J.
Martin, C. W.
Masterman, J.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt hon. F.
Maxwell, hon. J. P.
Melgund, Visct.
Meux, Sir H.
Mitchell, T. A.
Moffatt, G.
Morgan, O.
Morpeth, Visct.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mundy, E. M.
Napier, J.
Neeld, J.
Newport, Visct.
Noel, hon. G. J.
Norreys, Lord
O'Connell, M. J.
Ogle, S. C. H.
Packe, C. W.
Palmer, R.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peto, S. M.
Pigott, F.
Pinney, W.
Plowden, W. H. C.
Price, Sir R.
Prime, R.
Pusey, P.
Rawdon, Col.
Reid, Col.
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Romilly, J.
Rufford, F.
Russell, hon. E. S.
Rutherfurd, A.
Sandars, G.
Scott, hon. F.
Seaham, Visct.
Seymer, H. K.
Seymour, Sir H.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Smith, J. A.
Smith, M. T.
Somerton, Visct.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stanton, W. H.
Stephenson, R.
Stuart, J.
Sturt, H. G.
Talbot, C. R. M.
Talfourd, Serj.
Tenison, E. K.
Tennent, R. J.
Thompson, Ald.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Trollope, Sir J.
Turner, G. J.
Vane, Lord H.
Verney, Sir H.
Vivian, J. H.
Vyse, R. H. R. H.
Walpole, S. H.
Ward, H. G.
Watkins, Col.
Wellesley, Lord C.
Whitmore, T. C.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wyvill, M.
Young, Sir J.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the Noes.

Adair, H. E.
Aglionby, H. A.
Blake, M. J.
Blewitt, R. J.
Bowring, Dr.
Bright, J.
Callaghan, D.
Clay, J.
Cobden, R.
Crawford, W. S.
Devereux, J. T.
Duncan, G.
Fagan, J.
Fox, R. M.
Fox, W. J.
Grattan, H.
Greene, J.
Hardcastle, J. A.
Henry, A.
Hume, J.
Hutt, W.
Keating, R.
Kershaw, J.
King, hon. P. J. L.
M'Gregor, J.
Magan, W. H.
Martin, S.
Moore, G. H.
Mowatt, F.
Muntz, G. F.
O'Brien, T.
O'Connell, J.
O'Connor, F.
Pearson, C.
Pechell, Capt.
Pilkington, J.
Power, Dr.
Power, N.
Raphael, A.
Reynolds, J.
Salwey, Col.
Scully, F.
Sheridan, R. B.
Smith, J. B.
Stuart, Lord D.
Sullivan, M.
Thompson, Col.
Thompson, G.
Walmsley, Sir J.
Williams, J.

TELLERS.
Hindley, C.
Wakley, T.

Clause agreed to.

On the question that Clause 4 stand part of the Bill,

MR. HUME opposed the Motion. He wished to know whether, if a man were charged with having spoken criminal words on the 1st, 8th, and the 15th of a month, they would be all brought against him?

The ATTORNEY GENERAL said, that if a man were indicted for high treason, any number of charges of having used words which might explain the overt act might be adduced against him, even if they had occurred a year before.

The Committee divided:—Ayes 221; Noes 33: Majority 188.

List of the Ayes.

Abdy, T. N.
Adair, R. A. S.
Adderley, C. B.
Aglionby, H. A.
Anson, hon. Col.
Anstey, T. C.
Arkwright, G.
Arundel and Surrey, Earl of
Ashley, Lord
Bagot, hon. W.
Baldock, E. H.
Barrington, Visct.
Beckett, W.
Bellew, R. M.
Benett, J.
Berkeley, hon. Capt.
Birch, Sir T. B.
Boldero, H. G.
Bolling, W.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Brotherton, J.
Buller, Sir J. Y.
Buller, C.
Bunbury, W. M.
Bunbury, E. H.
Carew, W. H. P.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chichester, Lord J. L.
Christy, S.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Coles, H. B.
Colvile, C. R.
Copeland, Ald.
Corry, rt. hon. H. L.
Courtenay, Lord
Cowper, hon. W. F.
Craig, W. G.
Cripps, W.
Davies, D. A. S.
Dawson, hon. T. V.
Denison, W. J.
Dod, J. W.
Douro, Marq. of
Drummond, H.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Dundas, G.
Dunne, F. P.
East, Sir J. B.
Ebrington, Visct.
Edwards, H.
Egerton, Sir P.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, W.
Fellowes, E.
Ferguson, Col.
Filmer, Sir E.
FitzPatrick, rt. hn. J. W.
Foley, J. H. H.
Fortescue, hon. J. W.
Fox, S. W. L.
Fuller, A. E.
Gaskell, J. M.
Glyn, G. C.
Gooch, E. S.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greenall, G.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, R. W.
Gwyn, H.
Haggitt, F. R.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Harris, hon. Capt.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayes, Sir E.
Hayter, W. G.
Headlam, T. E.
Heathcote, G. J.
Heathcote, Sir W.
Henley, J. W.
Hervey, Lord A.
Heywood, J.
Hildyard, R. C.
Hildyard, T. B. T.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hood, Sir A.
Hope, A.
Hornby, J.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Hutt, W.
Ingestre, Visct.
Inglis, Sir R. H.
Jervis, Sir J.
Jones, Capt.
Keogh, W.
Keppel, hon. G. T.
King, hon. P. J. L.
Knox, Col.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lennard, T. B.
Lewis, G. C.
Lindsey, hon. Col.
Littleton, hon. E. R.
M'Naghten, Sir E.
Macnamara, Major
M'Neill, D.
Magan, W. H.
Mahon, The O'Gorman
March, Earl of
Martin, C. W.
Martin, S.
Masterman, J.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Maxwell, hon. J. P.
Melgund, Visct.
Meux, Sir H.
Mitchell, T. A.
Morgan, O.
Morpeth, Visct.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mundy, E. M.
Noel, hon. G. J.
Norreys, Lord
Nugent, Sir P.
O'Connell, M. J.
Ogle, S. C. H.
Packe, C. W.
Palmer, R.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Pigott, F.
Pinney, W.
Plowden, W. H. C.
Price, Sir R.
Rawdon, Col.
Reid, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Romilly, J.
Rufford, F.
Russell, hon. E. S.
Rutherfurd, A.
Sandars, G.
Scott, hon. F.
Seaham, Visct.
Seymer, H. K.
Seymour, Sir H.
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Sibthorp, Col.
Simeon, J.
Smith, J. A.
Smith, M. T.
Somerton, Visct.

Somerville, rt. hon. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stanton, W. H.
Stephenson, R.
Sturt, H. G.
Talfourd, Serj.
Tenison, E. K.
Tennent, R. J.
Thesiger, Sir F.
Thompson, Ald.
Towneley, J.
Townshend, Capt.
Turner, G. J.
Verney, Sir H.
Vivian, J. H.
Vyse, R. H. R. H.
Walpole, S. H.
Ward, H. G.
Watkins, Col.
Wellesley, Lord C.
Whitmore, T. C.
Williams, T. P.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wyvill, M.
Young, Sir J.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Blake, M. J.
Blewitt, R. J.
Bowring, Dr.
Bright, J.
Callaghan, D.
Cobden, R.
Crawford, W. S.
Devereux, J. T.
Fox, R. M.
Grattan, H.
Greene, J.
Hume, J.
Keating, R.
M'Gregor, J.
Moore, G. H.
Mowatt, F.
Muntz, G. F.
Napier, J.
O'Brien, T.
Pearson, C.
Pilkington, J.
Power, Dr.
Power, N.
Raphael, A.
Salwey, Col.
Scully, F.
Stuart, Lord D.
Sullivan, M.
Thompson, Col.
Thompson, G.
Wakley, T.
Walmsley, Sir J.
Williams, J.

TELLERS.

Reynolds, J.
O'Connor, F.

Clause to stand part of the Bill.

Other clauses of the Bill agreed to.

House resumed.

Report to be received.

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Monday, April 17, 1848.

MINUTES.] *Took the Oaths.*—The Lord Keulis.

2ª Election Recognisances.

Reported.—Leases of Mines (Ireland); Removal of Aliens.

PETITIONS PRESENTED. From the Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for the Extension of the Provisions of the Benefit Societies Act to that Order.—From John Schoolbraid (Moderator) for Facilitating the Attainment of Sites for Churches (Scotland).—From John Gurney, Solicitor, for Limiting the Operation of the Election Recognisances Bill.—From the County and City of Perth, for a Repeal of the Game Laws.—From several Moderators, and Patrick Borrowman, Clerk, against Diplomatic Relations, Court of Rome, Bill.—From the National Scotch Church, London, for the Prevention of Sunday Trading.

CRIME AND OUTRAGE (IRELAND) BILL.

The EARL of ELLENBOROUGH moved—

"That the Return of Arms and Ammunition which have been surrendered in conformity with any Notice issued by The Lord Lieutenant of Ireland, and of Arms and Ammunition which have been seized and detained by the Constabulary, under the Provisions of the Act of the 11th Vict. Cap. 2. (made up to the 14th of March last), be continued to the 14th of this instant April, and laid before this House."

The noble Earl proceeded to say he would take that opportunity of asking the noble Marquess a question, of which he had given him notice—it was, to inquire whether it is the intention of the Government to extend the provisions of the Crime and Outrage (Ireland) Act to the city and county of Dublin, or to bring in a measure to amend that Act? When the noble Marquess laid upon the table the return of which he (the Earl of Ellenborough) had now moved the continuation, he took credit to Her Majesty's Government for the number of arms which had been delivered up under the provisions of that Act, which, he said, proved that the Bill had been efficacious for its purpose. All those arms had been seized and surrendered in the country districts in which the Act had been proclaimed; as yet, however, it had not been applied to the city of Dublin. But it was known that in the city of Dublin arms were manufactured and sold to a very great extent, and parties were exercising themselves, as far as they could, in military organisation; and there was reason to suppose those arms were sold, not for purposes loyal to the Government. If the Act had been applied to the country districts, and not to Dublin, what conclusion were they to draw? Were they to draw the conclusion it was for purposes favourable to the Government? But in proof of the spirit in which arming of people in the city of Dublin was carried on, he would read one paragraph from the paper of Mr. Mitchel, who of late had acquired some notoriety by the language he had used. Mr. Mitchel thus expressed the grounds upon which the people of Ireland, and the people of Dublin especially, ought to arm:—

> "The Irish people, or a competent number of them, will simply continue so to arm, and so to organise, openly, my Lord, fearlessly, zealously, with passionate ardour, with fervent prayer, morning and evening, for the blessed hour when that organisation may find itself ranked in battle array, and when those arms may wreak the wrongs of Ireland in the dearest heart's blood of her enemies."

Now, who were those enemies? That was stated in the next paragraph:—

> "The enemy against whom we wage war is the Government of England and Ireland."

This was the view in which arming was going on in the city of Dublin; yet hitherto no measures had been taken for the purpose of seizing the arms or of preventing the organisation. But while such was the conduct of those opposed to the continuance of the Government of England in Ireland, he would call attention for a moment to what, he regretted to say, appeared to be the conduct of the Government. He saw in the same newspaper a statement that—

> "A vast number of students and graduates of Trinity College had enrolled themselves in a defensive corps. The arms, however, which had been placed at the disposal of the College authorities are only to be given out in the event of an actual outbreak; Lord Clarendon having so far thought it inexpedient, and fraught with a dangerous example, to sanction, even with the constitutional object of maintaining the Queen's supremacy, a general armament of the friends of law and order."

The expressions of Lord Clarendon in his reply to the address of the Royal Dublin Society were these:—

> "You ought not to meditate attempting for a good purpose that which the Government would feel bound to prohibit, if put in practice with evil intentions. I beg, therefore, to express my entire approval of the plan you wish to propose to adopt. I trust that these associations will be open to every loyal subject of Her Majesty, without distinction, and that they will neither assemble in arms, nor assume any particular badge, except under the conditions provided by the law; and, should your services be required in the cause of public order, it will be my care to give you timely notice."

But how could Her Majesty's Government expect to succeed in the conflict which was impending if the preparations of those who avowed hostility to the Government of England and Ireland—preparations of arms, of organisation, and discipline—were not to be prevented; whilst the preparations of those who desired to support, and protect, and maintain the Government, were not to be permitted? In that policy he could not concur, for he saw nothing but ruin in it. He admitted that no man should be permitted to carry or have arms unless under the immediate and direct authority or permission of the Government; but if the supporters of the Government were not allowed to make preparations, whilst its enemies were, they would dishearten those now disposed to support them; so disheartened in the midst of the danger with which they were surrounded, their loyal feelings could not long be depended upon. Surrounded by those who were armed for their destruction, and the destruction of the Government, they would begin to entertain ideas of a compromise of some kind upon a question upon which compromise was impossible consistent with safety. A vast number of persons were prepared to give to the Government every support in their power, so long as the Government remained true to itself; but such was the character of men, if they saw the slightest infirmity of purpose in the Government, or a want of the resolution essential to enable them to meet their difficulties, there would at once be a falling-off in those now ready to support the Government, and irretrievable ruin would be the consequence. The law must be supported. He was unwilling to press the subject further; but he desired to know distinctly what were the intentions of the Government. Were they prepared to put in force the Act which they had said was adequate to prevent arming in the city of Dublin or elsewhere? And if the Act was inadequate for the purpose, were they prepared to submit to Parliament other measures to protect Her Majesty's subjects, and to support the courage of those who were loyal to the Government?

The MARQUESS of LANSDOWNE said, there could be no objection to the Motion of the noble Earl; but he understood the object of the noble Earl to be not merely to procure the information to which his Motion referred, but further information on a very important subject, and which, as far as he (the Marquess of Lansdowne) could, he would proceed to give; and, in the first place, he would say he hoped that the House did not believe—he hoped the noble Earl could not believe—that the Government or the Government in Ireland could be indifferent to those circumstances to which the noble Earl had alluded, and which were, he apprehended, to a certain extent, founded on fact, as to the preparation of arms in Dublin, and other parts of the country also, taken in connexion with the speeches and language referred to by the noble Earl, and which were such as to leave no doubt of seditious intentions. The Government and the Earl of Clarendon were not indifferent to those circumstances; and he could safely say that not a week, nay, not a day, had passed in which they had not been the subject of incessant and anxious consideration. There could not be a doubt that the Act which their Lordships had passed, and to which the noble Earl had referred, was an Act which enabled the Lord Lieutenant of Ireland, at his discretion, to proclaim any part of Ireland, any part of a county, city, or town, where he should judge that by such preparations as those—if he found them to exist in conjunction with such speeches and writings as those to which the noble Earl had alluded—the public peace of Ireland was threatened. The noble Earl who was at the head of the Government of Ireland was perfectly aware that such was the undoubted construction of the Act; but, having said thus much, he was bound also to say that he thought it was essential to peace and good government in Ireland that the powers so intrusted to the Lord Lieutenant should be exercised on his discretion only; because all extraordinary powers beyond the usual provisions of the law would be found to require that great discretion should be vested somewhere; and he considered that the Lord Lieutenant was the fittest judge both as to the time, place, and mode in which that law should be carried into effect. Whenever the noble Earl at the head of the Government of Ireland thought the time had arrived for the exercise of those powers he was instructed to exercise them; and he (the Marquess of Lansdowne) had no doubt that he would do so. But if any part of Ireland was to be suddenly placed under the operation of the Act to which the noble Earl had referred, he did not think that that House was the place in which it would be convenient that the proclamation should be first announced. He had already stated that he had no doubt that preparations were being made of the character and in the spirit which the noble Earl had mentioned; but he might state to the noble Earl—and it was fit that that House and the public should be made acquainted with the fact—that in many instances the statements respecting these preparations, though they might be founded on truth, were to a certain extent greatly exaggerated. As a proof of this, he might mention that he had seen a letter from a noble Earl, a great proprietor in Ireland, well known to their Lordships, with respect to a rumour which was universally credited throughout that country, that in the course of a short time a certain plantation of his had been cut down for the purpose of being converted into pikes. The noble Earl, it appeared, went to the plantation to see if the report was true; and not only was it not true to the extent stated—not only was it not true to the extent in which "Birnam Wood had gone to Dunsinane,"—but not even a bough had been injured." About the same time, too, that this rumour prevailed, the noble Earl at the head of the Government of Ireland received what appeared to be authentic information that on a particular line of railway every blacksmith was employed, not on works connected with the railway, but in manufacturing pikes. His noble Friend directed inquiry to be made into the truth of this report, and he found that not a single blacksmith was absent from his proper employment. He (the Marquess of Lansdowne) begged it to be understood that he did not wish to state these facts for the purpose of removing, or of endeavouring to remove in any degree, the just apprehensions which their Lordships might entertain with regard to the state of Ireland. He believed that the evil did exist to a great extent; but he stated these circumstances for the purpose of cautioning their Lordships against giving unlimited credit to all the statements which, in a time of excitement, were repeated from mouth to mouth, and which, as they passed from mouth to mouth, became exaggerated to such an extent as to acquire the actual character of falsehoods. The noble Earl, he hoped, would perceive that the mode of proceeding to be adopted in Ireland required infinite caution, infinite discrimination, and infinite care. He (the Marquess of Lansdowne) knew that that careful attention was at this moment being given to the subject; and, while he confidently believed that the Act passed by their Lordships for the repression of crime and outrage in Ireland was legally applicable to every part of that country, he hoped their Lordships would see that the expediency of applying the Act to any particular portion of the country rested with the Lord Lieutenant. He begged to say also that if his noble Friend should find that Act insufficient, and should think it necessary to apply for other powers, as soon as that application was made, those other powers would be granted, or at least a recommendation would be made to Parliament to grant those powers. But even in the event of those powers not being granted, or of their being found necessary before they had been obtained, he spoke in the hearing of those who could correct him if he was wrong in saying that the common law of the land gave the Lord Lieutenant of Ireland, as it gave the Government of this country, the power of seizing any instruments or any accumulation of arms which were obviously intended for illegal purposes, and directed to the subversion of the Government. The Lord Lieutenant was, therefore, not unarmed with powers on this subject; but if his noble Friend should find that further powers were necessary for preventing hostile attacks upon the Government of that country, he would almost venture to say, in the name of Parliament, that they would infallibly and resolutely be granted. The noble Earl had also alluded to another point, which rendered it indispensable that he should say a few words. The noble Earl had adverted to what he termed the rejection of the services of persons who were ready to come forward in defence of the constitution and Government of that part of the United Kingdom. Now, it was most material that it should be understood that the Lord Lieutenant of Ireland was prepared, at a fit time and upon a proper occasion, to avail himself of such services; but it was obvious that his noble Friend must exercise his own discretion as to that time and that occasion; for he (the Marquess of Lansdowne) was not prepared to say, that at all times, and under all circumstances, the Lord Lieutenant should place arms in the hands of all persons who claimed them ostensibly for the purpose of defending the Government; though he assured the House there was no unwillingness on the part of Government to avail themselves of such proposals to the extent and at the time they deemed necessary. He might add, that within these two days the noble Earl at the head of the Government of Ireland had accepted the services of a very large and efficient body of persons in that country; and that arms had been sent over to Ireland for the purpose of being put into their hands. He (the Marquess of Lansdowne) must add, after what had fallen from the noble Earl, in order that there might be no mistake upon the subject, that though a belief might exist in parts of Ireland of a possible compromise upon the repeal of the Union—and he stated it most distinctly—that on this subject there had been no compromise, and there could be none. He felt it right to say this much, because he knew that rumours, utterly without foundation, had been propagated both in Ireland and in other parts of the kingdom upon the subject. He believed it, indeed, to be a part of the policy of the domestic enemies of the country—for undoubtedly there were domestic enemies, seeing that they proclaimed themselves such—to circulate these rumours—rumours which had no foundation—and also to exaggerate the preparations to which the noble Earl (the Earl of Ellenborough) had alluded. This was all he could say upon the subject; and, in conclusion, he assured the House that if the Lord Lieutenant of Ireland required further powers from Parliament, Her Majesty's Government would not hesitate to apply for them.

Lord BROUGHAM said, that no person had more entire and unvarying confidence in the good sense, discretion, and firmness of his noble Friend at the head of the Irish Government than he had; but still he could not think that it was a sufficient answer to the question of his noble Friend (the Earl of Ellenborough), to refer him entirely to the responsibility of the Lord Lieutenant of Ireland. There appeared to him to be some doubt whether or not a prudent and consistent course had been taken on this most grave and important occasion. There was a great diversity in the course of conduct pursued by the Lord Lieutenant latterly. While one class of the community was engaged in treason—for he would not call it sedition, as his noble Friend opposite had done, though no doubt, as the minor was included in the major, it was sedition, though it was not the less treason at the same time—his noble Friend near him marvelled that at such a time the Lord Lieutenant should say to one class of persons, "Don't you arm yourselves except in a particular way and under particular control;" while to another class he said, "I will not prevent you from arming yourselves as you like; I have the power to prevent you, but I will not exercise that power." But who were they whom he would not permit to arm themselves? They were the loyal supporters of the Crown; while those whom he would not prevent arming were really the traitors—they who were arming themselves for the express purpose of levying war against the Crown. The result of such a course of things must be, that in the end the disloyal would be found armed and ready, while the loyal would be still unarmed. This led him to ask whether there was any truth in a rumour that had lately reached him. He was told that it was a fact in Ireland, though, as he had said to his informant, such a thing as a fact in Ireland he had never before heard of, that training was at present going on in that country. Persons might arm without any seditious intent;

but there must be treasonable objects in view if training was going on at the same time. There was a very stringent Act passed in the reign of George III. against training; and perhaps his noble Friend could tell whether the Lord Lieutenant had put it in force, if training really were going forward in Ireland. Before concluding, he could not refrain from expressing his surprise that the right hon. Baronet who filled the office of Chief Secretary for Ireland should be represented to have addressed the individual who had just returned after seeking French aid in support of treason in Ireland as his hon. Friend; and should also have expressed his great regret at not being able to support a Motion of another of his hon. Friends, the question on which he regretted not being able to give such support, being no other than the repeal of the Union. An apology, forsooth, from the Chief Secretary for Ireland for not voting for a repeal of the Union, on the ground, too, that he was sorry to oppose the wish of a large portion of the people of Ireland, as if he should not have known that repeal was not the wish of a majority of the Irish people, instead of being, as he (Lord Brougham) firmly believed it, merely the wish of a very small body of trading agitators in that country.

The MARQUESS of LANSDOWNE observed, that there could be no doubt that by the law as it now stood the Government possessed ample powers of effectually stopping the training to which the noble Lord had referred—that was to say, if there was any such training, for he believed that it only existed in the imaginations of those who apprehended it. With reference to the remarks of the noble and learned Lord on the conduct of the Lord Lieutenant in refusing to arm certain patriotic individuals, he begged to repeat what he had already stated, that the Lord Lieutenant had actually accepted the services of a very large body of men, and that arms had been already sent to them. He might add, that the body to which he referred was composed indifferently of Protestants and Catholics.

LORD BROUGHAM said, that he was glad to hear the explanation of his noble Friend, as he really understood the noble Marquess in the first instance to have spoken of the Lord Lieutenant's intention to avail himself of the offer of loyal persons to arm in the future tense.

Return ordered.

ELECTION OF REPRESENTATIVE PEERS FOR SCOTLAND.

The EARL of EGLINTOUN moved—

> "That the matter of the Protest given in against the Vote of the Person assuming the Title of Lord Colville, or Lord Colville of Ochiltree, being received or counted at the meeting for the Election of Sixteen Peers of Scotland, holden at Edinburgh upon the 8th day of September, 1847, with a view to direct such Inquiry, and to make such order as to the House shall seem proper, and for the Lords to be Summoned."

Motion agreed to, when counsel for the party protested against were summoned to appear before the House.

Mr. Serjeant Holcomb appeared at the Bar accordingly, and was interrogated by the Lord Chancellor.

The LORD CHANCELLOR: Mr. Serjeant, do you appear as counsel for the person commonly called Lord Colville of Ochiltree?

Mr. Serjeant HOLCOMB: I appear here, my Lord, as counsel for Lord Colville of Ochiltree.

The LORD CHANCELLOR: It appears that at the last election of Representative Peers for Scotland that gentleman offered his vote under a protest. Application is now made to the House to institute an inquiry into the grounds of that protest; and the question I have to ask is whether you have any objection to urge against that course?

Mr. Serjeant HOLCOMB was proceeding to call the attention of their Lordships to the details of the Act of last Session under which the present proceedings were founded, when

LORD CAMPBELL reminded the learned Serjeant that the question at present to be considered was, whether he had any objection to urge against the House proceeding to consider the protest.

Mr. Serjeant HOLCOMB said, he did not object to the protest being considered.

LORD CAMPBELL said, that the Order of the House would be made under the Act of Parliament to which the learned Gentleman referred.

The LORD CHANCELLOR: As you do not object to the protest, that is all we require of you. The case must not be further argued at present.

The learned counsel then retired.

The LORD CHANCELLOR said, that the regular course of proceeding was to appoint a Committee of Privilege, to whom the protest should be referred.

The Motion for the appointment of a

Committee of Privilege, to meet on Monday, the 15th day of May next, was then put and agreed to, when Mr. Serjeant Holcomb was again called in, and informed of the decision of the House, and told that he should have due notice of the appointment of the Committee.

REMOVAL OF ALIENS BILL.

The MARQUESS of LANSDOWNE, in moving that the House go into Committee on this Bill, said, that his original intention was to have moved the suspension of Standing Orders Nos. 26 and 155, with a view of proceeding with the other stages of the Bill forthwith. He would, however, not press that Motion; but if their Lordships agreed to pass the Bill *pro formâ* through Committee, for the purpose of having the amendments printed, he would propose the third reading of the Bill to-morrow, when the amendments could be considered.

The EARL of ELLENBOROUGH said, that one of these amendments gave aliens a right of appeal to the Privy Council. The result would be, that instead of having these suspicious-looking persons sent on board a steamer, and shipped off at once, every one of them would appeal; so that the Privy Council would have to be continually sitting, and yet be unable to get through half the business that would come before them.

The MARQUESS of LANSDOWNE said, that so far from agreeing in the apprehensions of the noble Lord, he did not anticipate any great number of appeals at all under the Bill.

House in Committee.

LORD HOLLAND said, that he regretted having to differ in opinion from the majority of their Lordships on this Bill, and nothing could have induced him to take a course hostile to the general feeling of their Lordships' House but the strong objection which he entertained to the measure now before them. Instead of occupying their Lordships' time with any remarks of his own on the subject, he would beg to read a protest which his Father had entered against a similar Bill on a former occasion. [The noble Lord read the protest, and then continued.] He begged to say that he should enter the same protest upon their Lordships' journals against the present Alien Bill, with only a few verbal alterations to suit it more completely to the circumstances.

The MARQUESS of LANSDOWNE said, that it was with great pleasure he had heard the noble Lord's voice for the first time in that House; and it was with the greater pleasure he heard it, as it showed a disposition in the noble Lord to take a part in the business of the House; for, in addition to the claim which the noble Lord had upon the House through his own talents personally, he had the additional one for the sake of those of his great and illustrious Father, to the recollection of whom the noble Lord well knew no one was more truly and affectionately attached than he (the Marquess of Lansdowne). But when his noble Friend alluded to the protest of his noble Father, the late Lord Holland, against the Alien Bill, he should recollect that it was not against such an Alien Bill as that now before the House. The former Bill was not only of a far more stringent character, but, as the protest itself set forth and proved, it had been adopted by the House under totally different circumstances. It was proposed in a time of profound peace—a peace which had lasted for seven years previously—and the very surface of society was not even being ruffled by disturbance. Against that Bill several noble Lords besides Lord Holland protested. But such an objection could not now be urged. Such an objection would not now hold good, especially as he (the Marquess of Lansdowne) remembered, that in the speech which preceded the making of that protest, his noble Friend, the late Lord Holland, had stated, as one of his grounds of opposition, not his sole objection, but as his great objection, that it would be favouring the view of the Holy Alliance. He need not say, no Holy Alliance existed at present, but rather a state of things, by which society was convulsed from one end to the other; and no one knew when compulsion might be necessary to check or prevent the interference of foreigners in the affairs of this country. But there was one matter which removed any doubt from his mind, if he could have entertained any. It was this. At the time that the protest was entered, a noble and learned Lord (not at that moment in the House), a noble Lord, who was most eminent for his attachment to the constitution and the law of this country, had taken part with Lord Holland in his opposition. That noble and learned Lord had stated in the House, not his objection to the present Bill, but his conviction of its necessity, and his willingness to support it, notwithstanding the reluctance which he felt to the previous measure. That noble and learned Lord was the Lord Chief Justice of the Queen's Bench (Lord Denman). But he (the Marquess of Lansdowne) did not wish to see the Alien Bill become the law of the land. He prayed to God it might never be so. It was intended but as a temporary expedient, only justified by the state of things which now existed throughout the world—a state which was well known to their Lordships, but which he hoped would not last long enough to make it necessary that that Bill should be introduced amongst the laws of the country. It was to have effect for only one year, and it was the mildest and most lenient that had ever been proposed for such a purpose.

The Earl of ABERDEEN said, that when the noble Marquess alleged that the Bill was intended to last for only one year, he was forgetful of its provisions. It was enacted to last for two years; because it was for the Session in which it was passed, and to the end of the next ensuing Session of Parliament, and to the end of the year next ensuing to that Session. It, consequently, would have effect for more than two years.

The Marquess of LANSDOWNE: No, no: only one year and a half.

Lord STANLEY said, it was to be in force to the end of the year 1850.

Lord BROUGHAM suggested that a day should be named for its termination.

Lord CAMPBELL said, it would be inconvenient to name a specific day, because there might then be a necessity for renewing it.

Bill committed.

ELECTION RECOGNISANCES BILL.

Lord MONTEAGLE moved the Second Reading of the Election Recognisances Bill. He denied that it was a fair objection to the Bill to say that it was an *ex post facto* enactment. In the case for which it was provided as a remedy there had been great carelessness and inadvertence on the part of the officers whose duty it was to examine the form and nature of the recognisances; and the petitioners ought not to suffer on account of that inadvertence, for which they were not to blame. The noble Lord then went into the full particulars of the several cases which had been referred to the Cheltenham Election Committee, and which had been several times alluded to in the debates upon the subject in the other House of Parliament, and concluded by saying that he would only remind the House that the Bill was one which involved the privileges of the other House, and it had come up from the House of Commons with a large majority.

Lord BROUGHAM denied that the measure was one which required any legal argument at all. He would go upon irrefragable grounds in asking their Lordships to refuse their assent to the Bill. It was no argument against their refusal to say that it would be an interference with the privileges of the House of Commons, as regarded the right of election, with which their Lordships had nothing to do. His objection to the Bill was, that there existed still unrepealed an Act of Parliament which chalked out a certain course for the parties, by which they should abide; and it was only owing to the gross blunders of the parties that the provisions of that Act had not been complied with. The 14th section of the 7th and 8th Vic., c. 103, gave to the Examiner of Recognisances the power of determining certain matters, and made his decision final and conclusive, and binding upon the parties. The noble and learned Lord concluded with moving as an Amendment that the Bill be read a second time this day six months.

Lord REDESDALE supported the Bill, on the ground that it was to remedy an injustice which could never have been contemplated by the Legislature as being likely to occur.

Lord CAMPBELL said, it had been observed that *ex post facto* laws were often passed in furtherance of justice; but this was an *ex post facto* law in violation of all the rules of justice. As things now stood, if this Bill were rejected, there could be no doubt that the petitioners, in each of the eight cases now pending before the House of Commons, had a right to proceed and have the merits of their petitions inquired into. By Sir Robert Peel's Act it was directed, that when the Examiner of Recognisances had endorsed upon the petition that the recognisances had been entered into, then the petition must be referred to the General Committee, and that General Committee would make their report to the House. The preamble of this very Bill recited that this had been done in all these cases. But what was now proposed to be done? It was proposed to give an appeal from the Examiner, who had already judged these matters; and to whom was that appeal to be made? To the Election Committee — the most unfit tribunal that possibly could be selected.

LORD STANLEY said, looking upon this Bill as the only practical means of escaping from a dilemma into which, partly by the operation of an Act, and partly by the conduct of those appointed to act under that statute, the other House of Parliament was placed, and believing that this Bill, although it might partake of the nature of an *ex post facto* law, would be the means of correcting an error which was a *casus omissus* in a former Act of Parliament, and enabling substantial justice to be done between the parties, he confessed, notwithstanding the legal objection raised, he was prepared to give his assent to the second reading of the Bill.

The LORD CHANCELLOR could not let their Lordships go to a division without stating that he entirely concurred with those who thought that this was a most objectionable measure. It appeared to him to be against all principle and every rule of justice.

The EARL of DEVON, considering the circumstances under which the error had arisen, could not see any great objection against assisting the House of Commons to set the matter right.

LORD DENMAN could not allow their Lordships to divide without expressing his dissent from the principle of the Bill. The whole object of legislation upon this subject, since the passing of the Grenville Act, had been to guard against the practice of canvassing the whole House upon election petitions; and an officer had been specially selected for the very purpose of preventing that system. That officer had in the cases now pending performed his duty; and, if they were by special legislation to prevent the effect of what he had done, they would be opening a door to everything that was dangerous, and that ought to be avoided.

After a few words from Lord BROUGHAM in explanation, their Lordships divided:—Contents 19; Not-Contents 9: Majority 10.

List of NON-CONTENTS.

The Lord Chancellor
EARLS
Zetland
Strafford
LORDS
Lyndhurst
Brougham
Denman
Campbell
Sudeley
Milford

Bill read 2ª. House adjourned.

HOUSE OF COMMONS,

Monday, April 17, 1848.

MINUTES.] NEW MEMBERS SWORN.—For Rye, Herbert Mascall Curteis, Esq.; for Sligo, Charles Towneley, Esq.

PUBLIC BILLS.—1° Collectors of Cess (Ireland).

2° Indemnity.

Reported.—Crown and Government Security; Exchequer Bills (17,946,500*l.*); Public Works Completion (Ireland).

PETITIONS PRESENTED. By Mr. Archibald Hastie, from Paisley, for Repeal of the Union with Ireland.—By Colonel Thompson, from Sunderland, for Adoption of Universal Suffrage.—By Mr. Horsman, from Newcastle-on-Tyne, for Alteration of the Law respecting the Church of England Clergy.—By Sir R. Ferguson, from the Presbytery of Kirkcaldy, against the Jewish Disabilities Bill.—By Mr. Archibald Hastie, from Paisley, for Better Observance of the Lord's Day.—By Mr. Hardcastle, from the Rector of the Parish of Saint James, Colchester, for Alteration of the Marriage Law.—By Lord Hotham, from Freeholders of the East Riding of Yorkshire, against the Roman Catholic Relief Bill.—By Mr. Cowan, from Members of the Free Church Congregation of Temple and Carrington, Mid-Lothian, for Alteration of the Law of Sites for Churches (Scotland).—By Mr. Farnham, from Ashby de la Zouch, and by Captain Somerset, from Abergavenny, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Bramston, from the Board of Guardians of the Hoxne Union (Suffolk), against the Exemption of Small Tenements from Rating Bill.—By Sir R. Ferguson, from Inhabitants of Kirkaldy, and its Neighbourhood, for Exemption of Charitable Bequests from Legacy Duties.—By Sir Edmund Hayes, from Donegal, respecting Depredations committed by Killing Cattle and Sheep.—By Dr. Bowring, from Members of the City of London Mechanics' Institute, 3, Gould Square, Crutched Friars, and by several Hon. Members, from various Places, against the Crown and Government Security Bill.—By Mr. Cowan, from Blackwater, Glenshee, and Glenistàr, in the Counties of Perth and Forfar, and other Hon. Members, from several Places, against the Diplomatic Relations, Court of Rome, Bill.—By Mr. George Hamilton, from Ballyhuly, King's County, and several other Places, for Encouragement to Schools, in Connexion with the Church Education Society (Ireland).—By Sir De Lacy Evans, from Engineers, Engine Drivers, and other Workmen, complaining of the Expulsion and consequent Loss of Property of English Workmen in France.—By Sir J. Yarde Buller, from Torquay, Devon, for a Free Pardon for Frost, Williams, and Jones.—By Mr. Bright, from Perth, and by Mr. Hardcastle, from Colchester, for Repeal of the Game Laws.—By Sir De Lacy Evans, from a number of Working People, whose Families are suffering from Sickness, in Favour of Sanitary Regulations.—By Mr. Bramston, from Guardians of the Billericay Union, Essex, complaining of the Increase of Illegitimate Children.—By Mr. Gibson Craig, from Edinburgh, and by Mr. Hume, from Arbroath, in favour of the Law of Entail (Scotland) Bill.—By Mr. Horsman, from Cockermouth, for Retrenchment in the Naval and Military Expenditure.—By Mr. Parker, from Sheffield, and by Mr. Brotherton, from Salford, for Alteration of the Public Health Bill.—By Mr. Hardcastle, from Bocking and Baintree, Essex, and by Viscount Mahon, from Hertford, and its Neighbourhood, for an Alteration of the Law as regards Promiscuous Intercourse.—By Colonel Mure, from the Presbytery of Paisley, against the Schoolmasters (Scotland) Bill.

NEW WRIT FOR DERBY.

MR. W. EVANS, pursuant to notice, moved that a new writ be issued for Derby, in the room of the right hon. E. Strutt and the hon. F. L. Gower, whose election had been determined to be void.

MR. E. ELLICE, jun., wished the House to understand the position in which it would be placed should this new writ be issued. The Committee upon the Derby election had reported that the most corrupt practices had prevailed in the borough, and had recommended that the freemen should be disfranchised previous to granting a new writ. The evidence taken in relation to the late election for Derby pointed out a case precisely parallel with that of Yarmouth, and he hoped that the House would act upon the same principle in both instances. The evidence in the one case was nearly a repetition of that in the other, and the House would be guilty of the grossest injustice if it disfranchised Yarmouth and not Derby.

SIR J. HANMER admitted that no town was more entitled to be represented in Parliament than Derby. It was an ancient town; it stood on one of the great lines of railway communication; it was a very industrious and populous town; it had a great many manufactories, and stood within a large manufacturing district. After the case of Bewdley, he was not going to oppose the issue of a new writ for Derby; but he could not suffer the Motion to pass without calling the attention of the House to what he had stated on a former occasion. As the law now stood, if the House should persist in issuing writs to places tainted with corruption, and visited all the sins of the corrupt electors upon the heads of the gentlemen returned by them, and inflicted no punishment at all upon the electors themselves, the House would never get rid of that corruption which was a source of substantial danger to them at that moment. Mr. Strutt had declared in the most emphatic manner before the late election that it was his earnest desire and full intention, as far as he could, to obey the law of 1842, and to set himself against all corrupt and illegal practices; and no one in that House could doubt the sincerity of that right hon. Gentleman. What was the result? He was petitioned against, a Committee sat, and his election was declared void, on the ground of bribery. He called upon the House and the Government to turn their attention to this state of things. Derby contained many Chartists, and nothing was more likely to turn men to Chartism than seeing drunken electors rolling in the gutter.

MR. HUME considered it to be the duty of the Government of the day to endeavour to obtain as much purity as possible in the constituencies. There were standing orders of the House against corrupt practices at elections; and it was as much the duty of Her Majesty's Government as of any individual Member to maintain the rules and orders of the House. He had upon a former occasion submitted that, in all these cases, the writ should be suspended, and a Committee be appointed to inquire and report to the House. The right hon. Baronet the Secretary for the Home Department had agreed with him in the principle, but did not wish to make it a general rule. This led to a different practice, and boroughs equally guilty were treated in different ways. The case of Derby was almost a parallel case with that of Yarmouth. The Derby Committee had reported that—

> "A practice has existed in the borough of Derby, at the last as well as former elections, of placing freemen as Members on a nominal committee, and paying them for pretended services; and they believe that this practice has obtained very extensively in the said borough, and they consider it their duty to report it to the House."

Why did they report it to the House? He considered that it was done in order that the House might visit the conduct of the parties in some manner, and mark its disapprobation of such practices by suspending the writ, and, he hoped, by disfranchising the borough. Yet a motion was now made to issue a new writ for Derby; and he asked the House to include all the offending boroughs in the same condition. The question was, whether the boroughs should be represented by men who bribed the electors? He should vote against the issse of the writ until inquiry took place.

The EARL of LINCOLN agreed with the observations made by the hon. Baronet the Member for Flint (Sir J. Hanmer) on this as on a former occasion, and he should, with the hon. Member for Montrose, oppose the issue of the writ. He acknowledged that it was unconstitutional to suspend a writ without having some specific object in view; but he supported the suspension of this writ, because he hoped the noble Lord (Lord J. Russell) would devise some mode by which justice could be done in this case. It would be doing gross injustice to pass a Bill to disfranchise Yarmouth, and take no notice of the long-continued practices at Derby. He admitted that there had been some appearance of caprice in their legislation upon this subject; and he hoped that whenever there was a report from a Committee stating that corruption had been found in a borough, and it was put prominently forward, measures would be taken to secure an uniformity of practice. If the House pursued a vacillating policy with regard to these cases, it would do more harm than good. Could they ever expect that any benefit would result from a policy which subjected a Member to punishment, and rewarded the guilty electors? The names of four candidates for Derby were published at this moment, and all of them were determined to abstain from illegal practices; but he dared say the individuals in that borough who had caused the avoidance of the election were rejoicing in their misdeeds, and that a report of a Committee of that House had given them an opportunity of renewing their practices. Numbers of witnesses examined before the Committee of the House testified to their own corruption; and one witness, who admitted that he had been paid, testified that he saw bags of money carried into the committee room, and as many as sixty-three persons go into that room; and the number of persons proved to have gone into the room was at least 200. In the case of Sudbury, the noble Lord had, previous to introducing a Bill, proposed an inquiry into the practices in the borough, and the result was a confirmation of the report of the Committee, and the borough was disfranchised; and he considered that the noble Lord would do a great public service if he would deal with this case in the same way. As he was locally connected with the county and borough of Derby, it was, perhaps, right that he should state that, in expressing an opinion on this subject, he was acting entirely on his own responsibility: no request had been made to him by any person in the borough of Derby that he would adopt the course he had felt it right to pursue; but he had been informed that it was the anxious desire of both political parties in that borough that the writ should be issued.

Mr. CHILDERS (Chairman of the Committee on the Derby Election) was understood to say that nine cases of bribery were distinctly proved before the Committee, and there was reason to believe that nearly 400 out of 500 freemen had been bribed. There were, however, 1,500 10*l.* householders in the borough upon whom no imputation of bribery had been thrown; and, though the Committee were unanimously of opinion that the freemen ought to be disfranchised, they considered that it would be unjust to subject the householders to the same penalty.

Mr. AGLIONBY conceived that, in such a case as the present, the House should support its Committee; and that by a measure of such severity as the facts might warrant, they ought to endeavour to secure for the House that respect which he thought it had lost of late years, in consequence of its conduct with regard to questions of this kind. It was evident that gross corruption had prevailed among the freemen of the borough of Derby; and, in his opinion, they ought no longer to be intrusted with the franchise. He believed it would invariably be found that the freemen were much more corrupt than the 10*l.* householders; and at some of the elections in the county of Cumberland he had seen them rolling about in a disgusting state of intoxication, and scarcely able to say for whom they would vote. He considered that the prosecution of these cases ought not to be left to accident or caprice, but that the House ought to appoint an officer whose duty it should be, when a *primâ facie* case of corruption was made out against any borough, to inquire into the facts, and ascertain whether there were grounds for proposing the disfranchisement of the electors. He thought that a searching inquiry ought to be substituted into the proceedings at the last election for Derby, and that—if the evidence justified such a course — the freemen should be disfranchised. He was ready to vote for the suspension of the writ, provided that the Government or any Member of the House would undertake to propose a further inquiry into the proceedings at the late election.

Lord J. RUSSELL said, it appeared, in this particular case, that several allegations of bribery were proved before the Committee, and that from the evidence given before them, they were led to believe that extensive bribery had prevailed among the freemen at the last election for Derby. It also appeared, that Mr. Strutt and the other Member for the borough were not themselves cognisant of this bribery; and that, finding that bribery had been committed by their agents, they very properly determined that they ought not to retain their seats. He could not agree with the noble Lord that such reports as that presented by the Committee on the Derby election would produce no effect upon the country, and that in the event of a new election the parties who had bribed at the late election would resort to the same practices again. He thought, that a very obvious and certain result of the reports made by Election Committees this year would be, that agents who wished to promote the interests of candidates would see that if they had recourse to bribery, instead of promoting the interests of those whom they wished to serve, they would only procure a return which would be set aside, and would thus defeat their own objects. He considered that the unseating of Members, under such circumstances, was a measure of great public importance, and would be attended with great public advantage. In this case it appeared to the Committee that very extensive bribery had existed among the freemen. He understood the hon. Gentleman who was Chairman of the Committee to state that they had reason to believe that a very considerable proportion of the 500 freemen of the borough had been bribed, but that there were 1,500 10*l.* householders in the borough with regard to whom no taint had been proved before the Committee. Of course, if two or three cases of bribery had occurred among the householders, that would not be a reason for refusing the issue of a writ to a constituency of 1,500 persons. He thought, that as so much had been stated in the report of the Committee, and as they had very properly considered that it was not their duty to go into any further inquiry, it was fitting that some investigation should be instituted by the House with respect to the corruption of the freemen of Derby. In this view he was supported by the hon. Member for Cockermouth (Mr. Aglionby), who had referred to the general corruption of that class of voters. He must confess that he did not entertain a very favourable opinion of them, and both in the Reform Bill and in the Municipal Corporations Bill he had endeavoured to get rid of that class of electors. He could not, however, agree with the hon. Member for Montrose, or with the noble Member for Falkirk, that it was part of the duty of the Government to take up cases of this nature. In 1819, he, as a Member of that House, unconnected with office, took up a case of this kind—that of Grampound—which occupied a great deal of his time and attention. At a subsequent period he was enabled to devote some attention to the cases of other boroughs; but, with the weighty business of the Government upon his hands, if he were to engage to read through the whole of the evidence in the Derby case, with a view to ascertain what degree of criminality attached to the electors, he should undertake a duty he would not have time to perform. He considered that, if the noble Lord, or any other Member of the House, would take up this case, it would be far preferable to interference on the part of the Government. It was true that, a few days ago, he had brought in a Bill for disfranchising the freemen of Yarmouth, because it seemed to be the general wish of the House that such a measure should be proposed; but it had not been his intention, when he had previously spoken of the corruption which had existed in that borough, to take up the case himself. He thought that, until the House determined what course should be pursued in this particular case, it was advisable that the issue of the writ should be suspended; but, at the same time, it was a question for subsequent consideration for how long a time writs should be suspended under such circumstances. It might happen, that Bills for disfranchising portions of constituencies might go on till nearly the end of the Session, when they could not pass through the House of Lords; and it would be a public wrong, if, under such circumstances, the whole of the writs were to be suspended. He thought there was not the same reason in the case of Derby as in the case of Yarmouth for the immediate disfranchisement of the freemen; but he agreed with the noble Lord opposite that cause had been shown for further inquiry.

Sir R. PEEL had heard with much satisfaction the speech of the noble Lord, which confirmed the conclusion at which he had himself arrived. It appeared to him that it would be impossible for the House to consent to the issue of the writ for Derby without the opportunity of further consideration. He did not wish now to give an opinion with respect to the disfranchisement of that borough, or even as to the disfranchisement of the freemen. He considered that those freemen who had resisted temptation ought not to be visited with punishment; but he thought there were grounds for instituting an inquiry into this case, and he rejoiced that there was an opportunity of teaching this large constituency that the plan of dealing with small constituencies would be extended to it. If large constituencies relied upon their importance, and upon the difficulty there was in refusing the issue of a writ to large bodies of electors, he rejoiced that an opportunity was afforded the House of teaching them that if they were guilty of corruption, the writs would in their case be suspended until an investigation had been instituted. The Committee which had recently inquired into the Derby election had reported that a practice had existed in that borough, at the last as well as at former elections, of placing freemen on nominal committees, and paying them for pretended services; and the Committee expressed their belief that this practice had obtained very extensively in the said borough. Now, in 1842 there was a general impression that these practices—which were very ancient, which everybody was very unwilling to break through, and which there was great difficulty in breaking through—did not partake of the character of bribery. It was said, with regard to many boroughs he could name, "It has always been the custom to give a dinner to the electors, or to give them certain payments, called head-money; these are taken by respectable people; they are not regarded as bribery; and it is very hard to disfranchise men who yield to a practice which has been established and observed for a long period." But at the instance of the noble Lord opposite an Act was passed to abolish these practices. That Act provided that—

> "Whereas a practice has prevailed in certain boroughs and places of making payments by or on behalf of candidates to the voters, in such manner that doubts have been entertained whether such payments are to be deemed bribery; be it declared and enacted that the payment or gift of any sum of money, or other valuable consideration whatsoever, to any voter, before, during, or after any election, or to any person on his behalf, or to any person related to him by kindred or affinity, and which shall be so paid or given on account of such voter having voted, or having refrained from voting, or being about to vote, or refrained from voting, at the said election, whether the same shall have been paid or given under the name of head-money or any other name whatsoever, and whether such payment shall have been in compliance with any usage or practice, or not, shall be deemed bribery."

In the case of Derby it appeared to have been the practice to pay 5*s.* a head to the voters for sitting on a nominal committee, such payments extending over a period of five or six days, so that 25*s.* or 30*s.* were put into the pocket of each voter. That practice was very ancient, but the Committee considered that it partook very much of the character of bribery, and that it ought to be declared bribery. He placed great confidence in the view taken by that Committee. He might also state, that he had felt great satisfaction at the decisions of every Election Committee which had sat during the Session, and he could not help taking this opportunity to congratulate the House on the course which had been pursued by those Committees. He knew nothing more calculated to raise the House in general estimation than the manner in which the Committees on elections had done their duty, totally regardless of all party considerations. The Committee in this particular case had stated their belief that the practice to which he had referred had prevailed very extensively at the last election for Derby. It was true that this had not been actually proved, because, when the two hon. Gentlemen who had been returned found that, contrary to their express injunctions, they were liable to lose their seats for bribery, they felt no interest in vindicating the general character of the freemen; they at once retired, and the direct evidence proving that 200 or more freemen had been bribed was not brought before the Committee. He would give no opinion as to the course it might be advisable to adopt; but, for his own part, he would not vote for the disfranchisement of any elector until the House was in possession of further evidence on the subject. He was, however, ready to vote for the appointment by Bill of a Commission to go down to Derby and make inquiries; and if it should appear from their report that a very large proportion of the freemen had been bribed in pursuance of the ancient custom he had mentioned, he would consent that the same punishment which had been inflicted on smaller boroughs should be imposed on a portion of this larger constituency, and that they should be taught that they would not be allowed to violate the law with impunity on account of their numbers and supposed importance. He knew how overwhelmed the noble Lord opposite (Lord J. Russell) must be by public business, and he therefore did not wish to impose upon him the duty of wading through all the details of this subject; but he hoped, if the noble Lord felt a case had been established for further inquiry, that he would consent to the appointment of a local commission, such as was appointed in the Sudbury case, and that he would lend the authority of the Government to such legislative proceedings as might be necessary.

Sir R. INGLIS thought that the question was, whether the number found guilty of bribery in this borough formed such a large proportion of the constituency that not only the guilty, but the remainder also, ought to be disfranchised? He understood, that whatever might be the belief as to the amount guilty of bribery, the number really proved to be so was only eighteen. Under these circumstances he maintained that little ground existed for inculpating the great body of freemen in the borough, and still less for inculpating the great body of electors. He hoped, therefore, the House would concur in the Motion for the issue of the writ.

Mr. STANTON, as a Member of the Election Committee, begged to say, with respect to the borough of Derby, that if the House disfranchised the freemen, the rest of the constituency would, in his opinion, be found to be such as the country might be proud of. Mr. Strutt's expenses were only 450*l.*, and there were few Members standing a contest, where the constituency was numerous, who got off so easily.

Mr. COLVILE wished to impress on the House the gross injustice they would perpetrate, if they any longer deprived the borough of Derby of the privilege of being represented in Parliament. He wished to call to their recollection the fact, that though the late Members had been unseated for bribery, out of a constituency of 2,000, the report of the Election Committee only showed that nine electors had been bribed. He would submit the offence they had committed was as little culpable as offences of this nature could possibly be; they had been bribed by being employed as messengers, in which it was possible they might not be aware they were doing any wrong. Great stress had been laid during the debate, on the injustice of punishing the Members by expelling them from the House, and at the same time allowing the offending constituency to go free. He did not see the force of that remark; he considered the person who, through his agents paid the bribe, more likely to know the law, and consequently much more culpable, than the ignorant elector who received it. He hoped, therefore, the House would not commit the great injustice of disfranchising so important a constituency for the sins of nine of the more ignorant of their body; for though the Chairman of the Derby Election Committee stated the Committee suspected extensive bribery had been committed in Derby, he begged to remind the House they ought not to act on suspicion, but on the report that Committee had laid on the table. Though he would be the last to encourage corrupt practices, he would not be a party to the attempt he saw hon. Members opposite were anxious to make to disfranchise all freemen; nor could he understand the meaning of hon. Members, for while on the one hand they clamoured for an extension of the suffrage, on the other they proposed to contract the suffrage by disfranchising that class which especially represented the working classes, and were the most ancient of all electors; but his chief object in rising was to ascertain from the hon. Member for Leamington (Mr. Mackinnon), what were the motives which induced him to withdraw the notice he some time since gave for issuing a new writ for Derby. It had been stated that the hon. Member had been actuated by sinister motives; he therefore thought it was due to the hon. Member and the borough, that he should offer some explanation.

Dr. BOWRING said, that though, according to the hon. Member, only nine persons were bribed, yet upwards of 200 were proved to have been in attendance for the purpose of receiving the usual daily allowance.

Mr. STAFFORD observed, that notwithstanding the House had heard from various Members many magniloquent declarations to the effect that corruption was a much worse thing than purity, yet almost every hon. Member had manifested a hesitation to take up the question himself and to deal with it practically. He could understand why the hon. Member for Montrose should decline this office, because, according to public report, he must have a great deal on his hands just now, being engaged in the formation of a party; and, considering the distracted opinions expressed by that party last Session, he could readily believe that the hon. Member must be greatly occupied in bringing it under any sort of discipline. However, the position of the right hon. Member for Tamworth was one of peculiar leisure, and therefore he hoped that that right hon. Gentleman would occupy some portion of his time in bringing forward a measure for purifying the corrupt but ancient borough of Derby. He should vote for the issue of the writ, believing that its issue would not prevent the House from hereafter punishing those guilty of bribery.

Sir G. GREY agreed with the hon. Gentleman, that any hon. Member having leisure (which the Government had not) would perform a useful duty in reading through the evidence given before the Election Committee, and in bringing a substantive proposition before the House on the subject. In now opposing the issue of the writ, he did so only in order to give time to those who were opposed to the issue of the writ, to read the evidence and come forward with some substantive Motion; and he wished to be understood as being not prepared to sanction an indefinite suspension of the writ.

The House divided on the Motion:—Ayes 43; Noes 199: Majority 156.

List of the Ayes.

Alexander, N.
Anson, Visct.
Boldero, H. G.
Bremridge, R.
Coke, hon. E. K.
Collins, W.
Disraeli, B.
Duncombe, hon. A.
Duncombe, hon. O.
Du Pre, C. G.
Farnham, E. B.
Forester, hon. G. C. W.
Fox, S. W. L.
Fuller, A. E.
Gardner, R.
Hamilton, G. A.
Henley, J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Ingestre, Visct.
Inglis, Sir R. H.
Knox, Col.
Lygon, hon. Gen.
Mackinnon, W. A.
Mundy, E. M.
O'Connell, M. J.
O'Connor, F.
Ossulston, Lord
Reid, Col.
Repton, G. W. J.
Rufford, F.
Rushout, Capt.
Seaham, Visct.
Smyth, J. G.
Somerset, Capt.
Stafford, A.
Sturt, H. G.
Thompson, Ald.
Tollemache, hon. F. J.
Tyrell, Sir J. T.
Urquhart, D.
Wall, C. B.
Walmsley, Sir J.

TELLERS.

Colvile, C. R.
Evans, W.

List of the Noes.

Abdy, T. N.
Acland, Sir T. D.
Adair, R. A. S.
Adderley, C. B.
Aglionby, H. A.
Alcock, T.
Armstrong, R. B.
Arundel and Surrey, Earl of
Baines, M. T.
Barnard, E. G.
Beckett, W.
Benett, J.
Berkeley, hon. H. F.
Bernal, R.
Birch, Sir T. B.
Bouverie, hon. E. P.
Bowles, Adm.
Bowring, Dr.
Bramston, T. W.
Broadley, H.
Brotherton, J.
Brown, W.
Bruce, Lord E.
Buller, Sir J. Y.
Buller, C.
Busfeild, W.
Campbell, hon. W. F.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Charteris, hon. F.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cockburn, A. J. E.
Colebrooke, Sir T. E.
Corry, rt. hon. H. L.
Courtenay, Lord
Cowper, hon. W. F.
Crawford, W. S.
Currie, H.
Davies, D. A. S.
Deedes, W.
Denison, W. J.
Devereux, J. T.
Dick, Q.
Dodd, G.
Douglas, Sir C. E.
Drumlanrig, Visct.
Drummond, H.
Duff, G. S.
Duncan, G.
Dundas, Adm.
Dundas, Sir D.
Dunne, F. P.
East, Sir J. B.
Ebrington, Visct.
Edwards, H.
Elliot, hon. J. E.
Evans, Sir De L.
Evans, J.
Ewart, W.
Fellowes, E.
Fitzroy, hon. H.
Foley, J. H. H.
Gladstone, rt. hn. W.E.
Glyn, G. C.
Goddard, A. L.
Gore, W. R. O.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Harris, hon. Capt.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayes, Sir E.
Heald, J.
Heathcote, J.
Heneage, E.
Henry, A.
Heywood, J.
Hildyard, T. B. T.
Hindley, C.
Hollond, R.
Hood, Sir A.
Hope, H. T.
Horsman, E.
Howard, hon. C. W. G.
Humphery, Ald.
Jervis, Sir J.
Johnstone, Sir J.
Kershaw, J.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, A. E.
Lushington, C.
Macnaghten, Sir E.
Macnamara, Maj.
M'Gregor, J.
Magan, W. H.
Marshall, W.
Martin, J.
Martin, S.
Matheson, Col.
Melgund, Visct.
Meux, Sir H.
Milnes, R. M.
Mitchell, T. A.
Molesworth, Sir W.
Morgan, O.
Morpeth, Visct.
Morris, D.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Norreys, Lord
Ogle, S. C. H.
Ord, W.
Oswald, A.
Packe, C. W.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pattison, J.
Pearson, C.
Peel, rt. hon. Sir R.
Perfect, R.
Pilkington, J.
Plowden, W. H. C.
Pugh, D.
Rawdon, Col.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Richards, R.
Romilly, J.
Russell, Lord J.
Russell, hon. E. S.
Rutherfurd, A.
Salwey, Col.
Sandars, G.
Seymer, H. K.
Shafto, R. D.
Sheridan, R. B.
Simeon, J.
Smith, M. T.
Somerville, rt.hn. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Sullivan, M.
Tancred, H. W.
Tenison, E. K.
Thesiger, Sir F.
Thompson, Col.
Thornely, T.
Towneley, J.
Townley, C.
Trelawny, J. S.
Tufnell, H.
Turner, E.
Vane, Lord H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Watkins, Col.
Westhead, J. P.
Williams, J.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, W. P.
Wrightson, W. B.
Wyld, J.
Wyvill, M.
Yorke, hon. E. T.
Yorke, H. G. R.
Young, Sir J.

TELLERS.

Hume, J.
Ellice, E.

DENMARK AND THE DUCHIES.

Mr. J. WILSON rose, pursuant to notice, to put the following questions to the

Secretary for Foreign Affairs:—"Whether any communication had been received from the Danish Government on the subject of the entry of the Prussian troops into Holstein, and with the object of soliciting the interference of this country by mediation or otherwise; and whether any information had been received by the Government of the expected blockade of the Elbe, should the Germanic Confederation continue their interference between the King of Denmark and his subjects in Holstein; and whether any steps had been taken, and what, by this Government, to secure an amicable settlement of the existing disputes between Holstein-Schleswig and the Government in Copenhagen?" He would add, that he hoped the noble Lord would be able to remove the great anxiety felt in consequence of letters received that morning; for it appeared that the Prussian troops had already crossed the Eider into the Duchy of Schleswig, which did not belong to the Germanic Confederation, and that the troops of Hanover and Brunswick were crossing the Elbe to co-operate with the Prussian troops.

VISCOUNT PALMERSTON: Her Majesty's Government have received several communications from both the Danish Government and the Prussian Government upon these matters; in point of fact, we have been in communication with both Governments. The desire of Her Majesty's Government has naturally been to employ its good offices, if possible, in bringing these differences to an amicable, a friendly termination; and we have intimated both to the Danish Government and the Prussian, that if our good offices can be useful for that purpose, we shall be most happy so to employ them. I should hope, from the disposition which has been expressed by both parties, that that overture may be accepted. Nothing certainly could be more deplorable than that the peace of Europe should be disturbed on account of a dispute of such a nature as this. With regard to an intimation from the Danish Government of naval operations, undoubtedly if the hostilities were to continue, I should think it would be probable that the Danish Government, being strong at sea, would resort to measures of interruption to the maritime commerce of Prussia, and possibly of Hamburgh, if Hamburgh were to take an active part; but if, on the other hand, these matters should become the subject of peaceful negotiation, one should hope that any interruption of that sort would not take place. I have not received official information of the crossing of the Holstein frontier by Prussian troops; but, at the same time, from information I have received, I think it not at all improbable that it may have taken place.

MR. DISRAELI inquired whether the Court of Denmark had called upon the Court of St. James's to fulfil its guarantee of the Duchy of Schleswig to the Crown of Denmark, under the Treaty of 1720?

VISCOUNT PALMERSTON: The Court of Denmark has undoubtedly appealed to the guarantee given by the Treaty of 1720. I should observe that the interference of the Germanic Confederation in these matters does not profess to be an interference with a view of conquering; it is an interference with reference to internal questions which have arisen between the Danish Government and the inhabitants of Holstein-Schleswig.

MR. COCHRANE'S PROCESSION.

SIR J. Y. BULLER asked whether the Home Secretary had received information that a procession of 150,000 persons was to come down to him at the Home Office on Easter Monday with a petition to be laid before Majesty on the subject of the Poor Laws, and that circulars had been sent to the inmates of the union workhouses throughout the country calling upon them to do all in their power to swell the procession?

SIR G. GREY had received an intimation from Mr. Charles Cochrane, about three weeks ago, that such a petition was to be presented, and that it was the wish of the parties to proceed to the Home Office on Easter Monday to place it in his hands. He (Sir G. Grey) informed Mr. Cochrane, in reply, that any address properly worded, placed in his hands either by the usual mode of transmission, or by a small deputation, should be laid before Her Majesty, but that if brought by a large number of people, it could not be received. But he added, that it would not be convenient to him to receive a deputation in the Easter week. Within the last few days, however, he had received from boards of guardians in several parts of the country letters stating that printed circulars, signed by Mr. Charles Cochrane, had been forwarded to the workhouses addressed to "Mr. Smith," or, in some cases, "Mr. Jones" taking for granted that there might be some person of that name in a workhouse, informing them of the intended procession, stating that he hoped 150,000 persons would attend, and endeavouring to induce them to persuade their friends to come up to London for the purpose. He (Sir G. Grey) had received no information which led him to suppose that the canvass had been very successful, and he believed that Mr. Cochrane and his intended deputation might very safely be left in the hands of the police.

COMMUNICATION BETWEEN LONDON AND DUBLIN.

MR. G. HAMILTON rose to ask the Chancellor of the Exchequer the question of which he had given notice. Members connected with Ireland were aware that letters intended to be sent to Ireland by the morning mail have to be put into the post-offices before eight o'clock, and the letters from Ireland are delivered soon after that hour. This being the case, if the communication were accelerated by a few hours, there would be time in London to answer letters received from Dublin in the morning. He need not say how great an advantage that would be to all parties connected with Ireland. The question of which he had given notice was this—whether it is the intention of Government, in consequence of the acceleration of railway conveyance between London and Dublin, to make any arrangement for the transmission of letters for Dublin by any afternoon train, so as to afford persons in London, who receive letters from Dublin in the morning, the opportunity of answering them, and of the answers reaching Dublin the following morning; or of otherwise accelerating the transmission of letters between London and Dublin?

The CHANCELLOR OF THE EXCHEQUER answered that the suggestion had been, and still was, under the consideration of the Government. When it was first proposed, the charge for railway conveyance seemed to be so exorbitant as to throw a difficulty in the way; but he hoped some arrangement would be made.

CROWN AND GOVERNMENT SECURITY BILL.

Order of the Day read for receiving the Report on the Crown and Government Security Bill.

MR. AGLIONBY, in proposing the clause of which he had given notice, begged he might not be understood as at all wishing to embarrass the Government, or to refuse any power which they might think necessary for the preservation of the public peace and safety of the country. His object was to take away the power of transportation; making the offence not bailable, and leaving parties convicted of having transgressed the law by "open and advised speaking" liable to imprisonment for two years, with or without hard labour. The hon. Member proposed a clause to that effect.

The ATTORNEY GENERAL could not accede to the proposition. This question had been discussed on several occasions. The great object of the Bill was not so much to take the offence out of the class of bailable misdemeanours, as to insure its immediate punishment. Under this clause the offender might traverse until the following term. His hon. Friend also proposed to mitigate the punishment of sedition by relieving the offender from any fine. It was not expedient to make the punishment of sedition less than at present.

The House divided on the question that the Clause be read a second time:—Ayes 50; Noes 117: Majority 67.

List of the AYES.

Armstrong, R. B.
Baines, M. T.
Barnard, E. G.
Bouverie, hon. E. P.
Bright, J.
Brotherton, J.
Clay, J.
Clay, Sir W.
Crawford, W. S.
Devereux, J. T.
D'Eyncourt, rt. hn. C. T.
Duncan, G.
Evans, Sir De L.
Evans, J.
Gardner, R.
Greene, J.
Hall, Sir B.
Henry, A.
Hodges, T. L.
Humphery, Ald.
Keating, R.
Kershaw, J.
Lushington, C.
Martin, S.
Milnes, R. M.
Moffatt, G.
Mowatt, F.
Muntz, G. F.
O'Connor, F.
Osborne, R.
Pearson, C.
Pechell, Capt.
Pilkington, J.
Reynolds, J.
Robartes, T. J. A.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Smith, J. B.
Stuart, Lord D.
Sullivan, M.
Thompson, Col.
Thompson, G.
Thornely, T.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Westhead, J. P.
Williams, J.
Wood, W. P.

TELLERS.

Aglionby, H. A.
Hume, J.

List of the NOES.

Abdy, T. N.
Adair, R. A. S.
Adderley, C. B.
Anstey, T. C.
Arundel and Surrey, Earl of
Bateson, T.
Benett, J.
Bennet, P.
Birch, Sir T. B.
Bourke, R. S.
Bremridge, R.
Buller, C.
Bunbury, E. H.
Busfeild, W.
Campbell, hon. W. F.
Carter, J. B.
Cavendish, hon. C. C.

Charteris, hon. F.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Colvile, C. R.
Courtenay, Lord
Cowper, hon. W. F.
Denison, W. J.
Disraeli, B.
Drumlanrig, Visct.
Drummond, H.
Dunne, F. P.
Elliott, hon. J. E.
Farnham, E. B.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Haggitt, F. R.
Hamilton, G. A.
Harris, hon. Capt.
Hastie, A.
Hawes, B.
Hayter, W. G.
Headlam, T. E.
Heathcoat, J.
Heathcote, Sir W.
Henley, J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hogg, Sir J. W.
Hood, Sir A.
Hope, A.
Hotham, Lord
Hutt, W.
Jervis, Sir J.
Johnstone, Sir J.
Jones, Capt.
Keppel, hon. G. T.
Labouchere, rt. hon. H.
Langston, J. H.
Lemon, Sir C.
Lennard, T. B.
Lewis, G. C.
Lockhart, A. E.
Macnaghten, Sir E.
Mahon, The O'Gorman
Martin, C. W.
Maule, rt. hon. F.
Melgund, Visct.
Mitchell, T. A.
Morison, Gen.
Mundy, E. M.
Napier, J.
Norreys, Lord
O'Connell, M. J.
Ogle, S. C. H.
Ossulston, Lord
Oswald, A.
Owen, Sir J.
Palmerston, Visct.
Parker, J.
Peel, rt. hon. Sir R.
Perfect, R.
Pigot, Sir R.
Plowden, W. H. C.
Pugh, D.
Rawdon, Col.
Richards, R.
Romilly, J.
Russell, Lord J.
Rutherfurd, A.
Sandars, G.
Seymer, H. K.
Seymour, Lord
Shelburne, Earl of
Somerville, rt. hn. Sir W.
Stafford, A.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, J.
Sturt, H. G.
Tancred, H. W.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, hon. F. J.
Townshend, Capt.
Urquhart, D.
Vivian, J. H.
Walpole, S. H.
Ward, H. G.
Wellesley, Lord C.
Williamson, Sir H.
Wood, rt. hon. Sir C.
Yorke, hon. E. T.
Young, Sir J.

TELLERS.
Tufnell, H.
Craig, W. G.

Sir W. CLAY moved in Clause 3, line 16, to omit after the word "writing" the following words, "or by open and advised speaking," and to add the following Clause to the Bill in lieu of the words so omitted:—

> "And be it Enacted, That if any person shall, at any time after the passing of this Act, have been held to bail for a misdemeanour in respect of seditious words or speaking, and shall be again charged with a second or subsequent offence of a like kind, it shall be lawful for the Justice or other Magistrate before whom he shall be so charged, to refuse to admit such person to bail on such second or subsequent charge."

He would leave the law as at present; but, in order to prevent any person charged before a magistrate with seditious speaking being out on bail pursuing his seditious courses, he thought it would be sufficient to make the offence not bailable on the second charge. He had no sympathy with that class of offenders this Bill was intended to put down; but he was anxious that no false patriot or vulgar trader in sedition should be elevated into a martyr by the severity of his punishment.

Sir G. GREY said, the House had already decided the principle of this clause. They had rejected the proposition of his hon. Friend the Member for Cockermouth, and this clause did not go so far. He could not consent to any relaxation of this provision of the Bill.

Mr. BRIGHT thought the clause proposed by the hon. Baronet the Member for the Tower Hamlets sufficient to meet the case. If such had been the law six weeks ago the persons charged in Dublin with sedition would have been admitted to bail; but if a second charge had been made against them they would have been committed to prison to await their trial when the ordinary courts assembled. Such a proceeding would, in his view, have gained every object the Government had in view. He would vote for every modification of the Bill which might be proposed, because it was evidently the object of the Government to make the law more stringent than was necessary.

The House divided, on the question that the words proposed to be omitted stand part of the clause:—Ayes 39; Noes 83: Majority 44.

List of the Ayes.

Aglionby, H. A.
Baines, M. T.
Barnard, E. G.
Clay, J.
Crawford, W. S.
Devereux, J. T.
D'Eyncourt, rt. hon. C. T.
Duncan, G.
Evans, Sir De L.
Evans, J.
Gardner, R.
Greene, J.
Hall, Sir B.
Hodges, T. L.
Hume, J.
Keating, R.
Kershaw, J.
Lushington, C.
Martin, S.
Mowatt, F.
Muntz, G. F.
O'Connor, F.
Osborne, R.
Pearson, C.
Pechell, Capt.
Pilkington, J.
Reynolds, J.
Salwey, Col.
Scholefield, W.
Smith, J. B.
Stuart, Lord D.
Sullivan, M.
Thompson, Col.
Thompson, G.
Wakley, T.
Walmsley, Sir J.
Williams, J.
Wood, W. P.
Wyld, J.

TELLERS.
Clay, Sir W.
Bright, J.

List of the Noes.

Abdy, T. N.
Adair, R. A. S.
Adderley, C. B.
Arundel and Surrey, Earl of
Benbow, J.

Benett, J.
Birch, Sir T. B.
Bourke, R. S.
Bremridge, R.
Bunbury, E. H.
Busfeild, W.
Carter, J. B.
Charteris, hon. F.
Clements, hon. C. S.
Clive, H. B.
Cockburn, A. J. E.
Courtenay, Lord
Cowper, hon. W. F.
Denison, W. J.
Drumlanrig, Visct.
Dundas, G.
Dunne, F. P.
Elliot, hon. J. E.
Gaskell, J. M.
Graham, rt. hon. Sir J.
Granger, T. C.
Grey, rt. hon. Sir G.
Guest, Sir J.
Haggitt, F. R.
Hamilton, G. A.
Harris, hon. Capt.
Hawes, B.
Hayter, W. G.
Headlam, T. E.
Heathcote, Sir W.
Henley, J. W.
Hildyard, R. C.
Hodges, T. T.
Hood, Sir A.
Hope, A.
Hotham, Lord
Jervis, Sir J.
Jones, Capt.
Keogh, W.
Keppel, hon. G. T.
Langston, J. H.
Lennard, T. B.
Lewis, G. C.
Lockhart, A. E.
Macnaghten, Sir E.
Martin, C. W.
Maule, rt. hon. F.
Mitchell, T. A.
Morpeth, Visct.
Napier, J.
Ogle, S. C. H.
Owen, Sir J.
Palmerston, Visct.
Parker, J.
Peel, rt. hon. Sir R.
Plowden, W. H. C.
Pugh, D.
Richards, R.
Robinson, G. R.
Romilly, J.
Russell, Lord J.
Rutherfurd, A.
Sandars, G.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Somerville, rt. hn. Sir W.
Stafford, A.
Stanton, W. H.
Stuart, J.
Talfourd, Serj.
Tancred, H. W.
Turner, G. J.
Walpole, S. H.
Ward, H. G.
Wellesley, Lord C.
Williamson, Sir H.
Wood, rt. hon. Sir C.
Young, Sir J.

TELLERS.

Tufnell, H.
Craig, W. G.

The ATTORNEY GENERAL then moved that the following proviso be added to Clause 3:—

"Provided always, and be it Enacted, That no person shall be prosecuted for any felony by virtue of this Act in respect of such compassings, imaginations, inventions, devices, or intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open and advised speaking, unless information of such compassings, imaginations, inventions, devices, and intentions, and of the words by which the same were expressed, uttered, or declared, shall be given upon oath to one or more Justice or Justices of the peace, or to any Sheriff or Steward, or Sheriff Substitute or Steward Substitute in Scotland, within six days after such words shall have been spoken, and unless a warrant for the apprehension of the person by whom such words shall have been spoken shall be issued within ten days next after such information shall have been given as aforesaid, and unless such warrant shall be issued within two years next after the passing of this Act; and that no person shall be convicted of any such compassings, imaginations, inventions, devices, or intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open or advised speaking as aforesaid, except upon his own confession, or unless the words so spoken shall be proved by two credible witnesses."

Mr. O'CONNOR complained that the Government had now extended the time within which informations might be sworn. Another objectionable part of the proviso was, that it did not make the issuing of the warrant simultaneous with the swearing of the information. An individual would not know that he was charged with uttering seditious language until sixteen days after the alleged offence, at which time those persons who might be called as witnesses to rebut the accusation would have but an imperfect recollection of what he had said. He could undertake to report a six hours' debate in that House, giving to each speaker almost the very words he used, provided he made the report on the day following the debate; but at the end of six days he should be able to give only a very imperfect account of what had taken place. The Government might depend upon it that by the 1st of May they would hear the national voice resounding against the Bill. When the noble Lord now at the head of the Government should sit on the Opposition side of the House, and a Tory Administration should be in office, what violation of the constitution could he in conscience oppose; for what violation of the constitution could there be greater than this Bill? The Government had boasted of the professions of loyalty they had received—of the vast number of special constables that had volunteered for enrolment; and in Ireland the Lord Lieutenant had said he was surrounded by all the loyalty of the kingdom—and, moreover, he was surrounded by troops. What, then, had the Government to fear? Yet, under these circumstances, and when the country was groaning under difficulties, the House was asked to pass a measure of this kind. But the Government would be overwhelmed that should dare to carry such a Bill into execution.

Mr. AGLIONBY agreed with the hon. Member for Nottingham in one part of his objection to this clause, namely, the number of days given for the operation of the process. He thought so long a period as sixteen days was not in accordance with the understanding of the House as to the effect of the proviso; and he wished to know why the time had been extended from six days to sixteen. He was willing to give sufficient time to lay the information before the Home Secretary or the Lord Lieutenant of Ireland; but, at the same time, thought no delay should take place, but that proceedings should be taken at the earliest moment after the report of the spoken words had been received.

Mr. REYNOLDS objected to the extension of the time for laying the information, but still more strongly to allowing the magistrate to hold over the information for ten days. He could not understand why the magistrate should be vested by this Bill with power to do that which under the present law he was not permitted to do. He was now compelled to return his warrant instanter. Unless some satisfactory explanation of the reason for this enlarged time were given, he should oppose it.

Clause read a first time.

On the question that it be read a second time,

The word " only" at the suggestion of Mr. Walpole was inserted after the words " advisedly speaking."

The ATTORNEY GENERAL said, that as the clause originally stood, there was to be no prosecution in respect of words spoken, unless the words were deposed to within three days, and a prosecution instituted within three months. The intent of the information before the magistrate was, that the words should be recorded upon which the prosecution was to be founded. But the hon. and learned Member for Abingdon had urged that an accused party might thus be kept in ignorance and suspense for three months, and, feeling that there might be some foundation for such a complaint, he (the Attorney General) had endeavoured to meet the objection by proposing this proviso, which contained much that operated in favour of the accused. It was plain that some time must be given for the communication with the proper authorities, and the six days proposed were not too much for communicating from the provincial parts of England or Ireland with the Government in London or Dublin; for charges of this kind should not be lightly preferred. With respect to the ten days for the magistrate to issue his warrant, he might observe, that by the common law the magistrate was not now bound to do so immediately. He might withhold his warrant for a given time. He apprehended that a magistrate was not bound to issue his warrant immediately, but might withhold it from time to time. But in this case the Bill took away the right of deferring the issue of the warrant, and enacted that it must be issued within a certain time—a circumstance which was in favour of the accused. He was, therefore, surprised at the opposition to this part of the proviso.

Mr. REYNOLDS said, the hon. and learned Attorney General might have given a satisfactory reason for the substitution of six days for three with regard to the information, but certainly not for the ten days during which the magistrate might hold the warrant in his hands without notice to the defendant. He believed the present law compelled the magistrate in all cases of felony to return the warrant forthwith; and he should therefore move that the word " forthwith" be substituted for the words " ten days."

Mr. HUME was of opinion that the moment the charge was made the magistrate should issue his warrant.

Mr. HENLEY thought that the words " ten days" were exceedingly in favour of the subject. If a complaint on oath were made out satisfactorily to a magistrate, it was his duty immediately to issue his warrant. But there were also doubtful cases in which the magistrate might doubt whether the offence amounted to felony; and the Bill provided that in a matter so uncertain that the magistrates could not make up his mind within ten days to issue his warrant, the parties should not be answerable for the works spoken. If the words spoken clearly made out the charge, the magistrate would immediately issue his warrant, but if, on the contrary, he had a doubt which he could not resolve within the ten days, *cadit quæstio*, and the party was free from all consequences of those words. The limitation to ten days was, in fact, a safeguard to the subject, and he should be sorry to see any alteration.

Mr. BRIGHT thought that the delay of ten days would be found highly inexpedient. The warrant, the information being before the magistrates, should be issued at once, as in the case of any other felony. The object of the Government, it might be taken for granted, was not to tempt to the commission of the offence, but to punish the offender as speedily as possible; and though he thought it probable that this law would seldom, if ever, be enforced, he hoped that the Government would not consent to frame it upon a principle unjust and impolitic.

Mr. REYNOLDS would so far modify the Amendment he had proposed as to substitute " two days" instead of " forthwith," as he had before suggested, for " ten days."

Mr. WAKLEY would, in that case,

move the introduction of the word "forthwith." The magistrate, he considered, ought to be required at once to furnish the accused party with the accusation against him, and to proceed to issue the warrant. He regretted that a Government calling itself Liberal should ever have brought forward such a Bill, and, ere long, he prophesied they would most heartily repent that they had taken a course so inconsistent with their former protestations.

Mr. MOORE did not see why the usual practice when an information was laid before the magistrate should be departed from. The prolongation of time proposed would enable a Government to exercise gross treachery towards the party accused. The House was to consider not only how to do justice to the accused, but how to protect the ignorant people who might be seduced into breaches of order; and that protection, it seemed to him, would be afforded by taking care that there was as little delay as possible in pointing out when a speaker had violated the law.

Mr. COCKBURN wished it to be distinctly understood what was the object which the House now had in view. Her Majesty's Government were probably as desirous as hon. Gentlemen to secure protection to the subject. The question now was, should a magistrate to whom a case of this kind was referred, have a discretionary power greater than that which he possessed in the exercise of his ordinary functions? Was the magistrate to be compelled to delay until it was intimated to him whether or not Her Majesty's Government approved of the prosecution? Under the ordinary law a magistrate had no alternative; he would be bound to issue his warrant without any delay whatever. Would that House then vest such an authority in the magistrate as would permit him, as on ordinary occasions, to act irrespectively of the wishes of the Government? He (Mr. Cockburn) hoped not; it appeared to him that, as offences of this kind were confessedly against the Government, the Government alone ought to decide upon the expediency of prosecution. If it was the intention of the Government to invest the magistrate with such authority, this clause would seem to be unnecessary; but if they wished to reserve to themselves the power of preventing or of proceeding with a prosecution, as circumstances might direct, and so obviate the effects of private malice, this proviso was of the greatest importance; and, so far from being an infringement on the liberty of the subject, it would operate as a direct safeguard in the prevention of trivial individual prosecutions.

The ATTORNEY GENERAL reminded his hon. and learned Friend, that though under the present law an individual might prosecute for treason, such an instance very seldom occurred; and it was not supposed that if this Bill came into operation there would be found any necessity of taking precautions for the purpose of defeating private malice. It was desirable, however, that the magistrate should not be compelled to issue his warrant immediately, both on the ground of security to the Government, and protection to the individual.

Mr. S. MARTIN objected to the proviso, because it would afford the opportunity of trying a man, not for one speech, in reference to which the information might be first laid, but for a series of speeches; and the Government not communicating at once with the accused, would be enabled by the delay of ten days to collect evidence treacherously.

The SOLICITOR GENERAL apprehended that a series of speeches was to be considered as one scheme—a scheme to overset the Government; and he could not, therefore, see that any injustice would accrue from taking advantage of the delay.

The House divided on the question that the word "forthwith" be inserted:—Ayes 142; Noes 30: Majority 112.

List of the Ayes.

Abdy, T. N.
Adair, R. A. S.
Adderley, C. B.
Aglionby, H. A.
Arkwright, G.
Armstrong, R. B.
Arundel and Surrey, Earl of
Baines, M. T.
Baldock, E. H.
Barkly, H.
Barnard, E. G.
Bellew, R. M.
Benbow, J.
Benett, J.
Berkeley, hon. Capt.
Blakemore, R.
Boldero, H. G.
Bourke, R. S.
Bowles, Adm.
Broadley, H.
Brockman, E. D.
Brotherton, J.
Buller, C.
Bunbury, E. H.
Busfeild, W.
Carew, W. H. P.
Carter, J. B.
Clements, hon. C. S.
Clifford, H. M.
Clive, H. B.
Cockburn, A. J. E.
Cocks, T. S.
Courtenay, Lord
Cowper, hon. W. F.
Craig, W. G.
Davies, D. A. S.
Denison, W. J.
Disraeli, B.
Drummond, H.
Duff, G. S.
Duncan, G.
Dundas, Adm.
Dundas, G.
Ebrington, Visct.
Elliot, hon. J. E.
FitzPatrick, rt. hn. J.W.
Forster, M.
Gaskell, J. M.
Glyn, G. C.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Grey, rt. hon. Sir G.

Guest, Sir J.
Haggitt, F. R.
Hamilton, G. A.
Hanmer, Sir J.
Harris, hon. Capt.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Headlam, T. E.
Heathcoat, J.
Heathcote, Sir W.
Henley, J. W.
Heywood, J.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Hodges, T. T.
Hood, Sir A.
Hope, A.
Hotham, Lord
Humphery, Ald.
Jervis, Sir J.
Jones, Capt.
Keogh, W.
Keppel, hon. G. T.
Labouchere, rt. hon. H.
Langston, J. H.
Law, hon. C. E.
Lemon, Sir C.
Lennard, T. B.
Lewis, G. C.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Long, W.
M'Naghten, Sir E
Macnamara, Maj
Mahon, Visct.
Martin, C. W.
Martin, S.
Matheson, A.
Matheson, Col.
Maule, rt. hon. F.
Maunsell, T. P.
Mitchell, T. A.
Morgan, O.
Morison, Gen.
Mundy, E. M.
Napier, J.
Nugent, Sir P.
O'Brien, Sir L.
O'Connell, M. J.
Ogle, S. C. H.
Owen, Sir J.
Packe, C. W.
Parker, J.
Perfect, R.
Plowden, W. H. C.
Prime, R.
Pugh, D.
Rich, H.
Robinson, G. R.
Romilly, J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Sandars, G.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, J. A.
Somerville, rt. hn. Sir W.
Spooner, R.
Stafford, A.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, J.
Talfourd, Serj.
Tancred, H. W.
Thornely, T.
Towneley, C.
Trelawny, J. S.
Turner, G. J.
Vivian, J. E.
Ward, H. G.
Westhead, J. P.
Willcox, B. M.
Williamson, Sir H.
Wood, rt. hon. Sir C.
Young, Sir J.

TELLERS.
Tufnell, H.
Hill, Lord M.

List of the NOES.

Bowring, Dr.
Bright, J.
Clay, J.
Devereux, J. T.
D'Eyncourt, rt. hn. C. T.
Fox, W. J.
Gardner, R.
Greene, J.
Henry, A.
Hume, J.
Keating, R.
Kershaw, J.
Lushington, C.
Magan, W. H.
Moore, G. H.
Mowatt, F.
Muntz, G. F.
O'Connor, F.
Osborne, R.
Pearson, C.
Pechell, Capt.
Pilkington, J.
Reynolds, J.
Salwey, Col.
Scholefield, W.
Sullivan, M.
Thompson, Col.
Thompson, G.
Walmsley, Sir J.
Williams, J.

TELLERS.
Crawford, W. S.
Wakley, T.

Clause read a second time and added to the Bill.

On the following Clause being proposed—

"And be it Enacted, That it shall not be lawful for any Court before which any person shall be prosecuted or tried for any felony under this Act, to order payment to the prosecutor or the witnesses of any costs which shall be incurred in preferring or prosecuting any such indictment;"—

MR. BRIGHT moved the introduction of a proviso at the end of the clause, that no prosecution under this Act should take place except from the authority of the Attorney General in England and Ireland, and the Lord Advocate in Scotland. He hoped that the powers of this Act would never be put in force in any part of the country by any private individual without respect to the opinion of the law officers of the Crown.

The ATTORNEY GENERAL could not concur in the suggestion of the hon. Member for Durham. Except in very urgent cases, it was not very likely that any private party, with the penalty of paying the costs before him, would institute a prosecution. He did not understand the hon. Member to propose that no information or warrant should issue without the authority of the Government; and it would be a very dangerous task to impose upon the Government, after a prosecution was commenced, that they should either take it up or decline to do so, as it might subject them to the charge of partiality.

LORD J. RUSSELL said, it might be very right that there should be a public prosecutor, and he thought there was a very good reason in favour of that course; but he did not think it desirable that whilst it was allowed to private individuals to prosecute generally, yet with respect to high treason and sedition there should be a public prosecutor. If such an alteration were made, it should be general. He believed, however, that the practice would be, excepting in some very few cases of emergency, that there would always be an application to the Government before a prosecution was commenced, and that private parties would not be found to volunteer. There were many arguments for having an institution similar to that which they had in Scotland, but he did not think they ought to introduce it for these particular cases.

MR. BROTHERTON said, during the French war articles had been written in a newspaper published at Manchester, to which the notice of the law officers of the Crown had been called, who considered that a prosecution could not be supported; but he knew that a meeting was held at Manchester to prosecute the party, notwithstanding that the Government had refused.

The ATTORNEY GENERAL said, whilst he had the honour to hold the office he now filled, he should consider it to be his duty in such a case to enter a *nolle prosequi.*

The House divided on the question that the proviso be inserted:—Ayes 49; Noes 170: Majority 121.

List of the Ayes.

Aglionby, H. A.
Barkly, H.
Blake, M. J.
Bowring, Dr.
Clay, J.
Cockburn, A. J. E.
Crawford, W. S.
Devereux, J. T.
D'Eyncourt, rt. hn. C. T.
Duff, G. S.
Duncan, G.
Evans, Sir D. L.
Ewart, W.
Fox, W. J.
Gardner, R.
Greene, J.
Hardcastle, J. A.
Henry, A.
Hindley, C.
Hume, J.
Jackson, W.
Keating, R.
Kershaw, J.
Lushington, C.
Magan, W. H.
Martin, S.

Moore, G. H.
Mowatt, F.
Muntz, G. F.
Nugent, Sir P.
O'Connor, F.
Ossulston, Lord
Pechell, Capt.
Pilkington, J.
Reynolds, J.
Salwey, Col.
Scholefield, W.
Scully, F.
Stanton, W. H.
Sullivan, M.
Thompson, Col.
Thompson, G.
Thornely, T.
Trelawny, J. S.
Wakley, T.
Walmsley, Sir J.
Willcox, B. M.
Williams, J.
Willoughby, Sir H.

TELLERS.
Bright, J.
Brotherton, J.

List of the Noes.

Abdy, T. N.
Adair, R. A. S.
Adderley, C. B.
Arkwright, G.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baldock, E. H.
Barnard, E. G.
Bellew, R. M.
Benbow, J.
Benett, J.
Berkeley, hon. Capt.
Bernard, Visct.
Birch, Sir T. B.
Blackstone, W. S.
Blakemore, R.
Boldero, H. G.
Bolling, W.
Bourke, R. S.
Bowles, Adm.
Boyle, hon. Col.
Broadley, H.
Brockman, E. D.
Buller, C.
Bunbury, E. H.
Busfeild, W.
Campbell, hon. W. F.
Carew, W. H. P.
Carter, J. B.
Chichester, Lord J. L.

Christy, S.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Clive, H. B.
Cocks, T. S.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Courtenay, Lord
Cowper, hon. W. F.
Craig, W. G.
Currie, H.
Currie, R.
Davies, D. A. S.
Dawson, hon. T. V.
Denison, W. J.
Disraeli, B.
Dod, J. W.
Drummond, H.
Dundas, Adm.
Dundas, Sir D.
Dundas, G.
Dunne, F. P.
Ebrington, Visct.
FitzPatrick, rt. hn. J. W.
Foley, J. H. H.
Fortescue, C.
Gaskell, J. M.
Glyn, G. C.
Goddard, A. L.
Gordon, Adm.

Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, T.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Haggitt, F. R.
Hamilton, G. A.
Hanmer, Sir J.
Harris, hon. Capt.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Headlam, T. E.
Heathcoat, J.
Henley, J. W.
Heywood, J.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hood, Sir A.
Hope, A.
Hotham, Lord
Howard, hon. C. W. G.
Jervis, Sir J.
Jones, Capt.
Keogh, W.
Keppel, hon. G. T.
Knox, Col.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Law, hon. C. E.
Lemon, Sir C.
Lennard, T. B.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, A. E.
Long, W.
M'Naghten, Sir E.
Macnamara, Maj.
M'Neill, D.
Mahon, Visct.
Martin, C. W.
Matheson, A.
Matheson, Col.
Maule, rt. hon. F.
Maunsell, T. P.
Mitchell, T. A.
Morgan, O.
Morpeth, Visct.
Morris, D.
Mulgrave, Earl of
Mundy, E. M.
Napier, J.

Norreys, Lord
O'Brien, Sir L.
Ogle, S. C. H.
Ord, W.
Owen, Sir J.
Packe, C. W.
Parker, J.
Patten, J. W.
Pennant, hon. Col.
Perfect, R.
Peto, S. M.
Philips, Sir G. R.
Pigott, F.
Pinney, W.
Plowden, W. H. C.
Prime, R.
Pugh, D.
Rich, H.
Robartes, T. J. A.
Romilly, J.
Rushout, Capt.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Seymer, H. K.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Smith, J. A.
Smith, M. T.
Somerset, Capt.
Somerton, Visct.
Somerville, rt. hn. Sir W.
Spooner, R.
Stafford, A.
Stansfield, W. R. C.
Stuart, J.
Talfourd, Serj.
Tancred, H. W.
Tollemache, hon. F. J.
Towneley, J.
Townley, R. G.
Turner, G. J.
Tynte, Col. C. J. K.
Tyrell, Sir J. T.
Ward, H. G.
Williamson, Sir H.
Wilson, J.
Wood, rt hon. Sir C.
Wyvill, M.
Young, Sir J.

TELLERS.
Tufnell, H.
Hill, Lord M.

Mr. HUME said, that he had intended to move that the House should strike out the obnoxious words in the third clause; but, thinking that he and his Friends had sufficiently manifested their opposition to the principle of the Bill for that night, he reserved his further opposition till the third reading. Nothing that had passed had tended in any way to lessen his dislike to the unconstitutional character of the measure; but he would not then put the House to the trouble of dividing again.

Mr. DISRAELI was not at all surprised at the excitement of the hon. Member for Montrose, for he was at the present moment in a peculiar situation. He begged to assure the hon. Member, that, knowing he was at the head of an army, numerous he believed, but not too well disciplined, he (Mr. Disraeli) and his Friends were anxious to give the hon. Member the fullest opportunity of bringing forward every amendment and every Motion he could devise, so that, at least, he should have no reason to complain that from any interference on the part of those who sat on the Opposition benches he had not had a fair field for all his strategetical manœuvres. His hon. Friend had consequently had every opportunity of marshalling his forces, of drilling and marching and manœuvring them; and he thought the hon. Member should now be content to repose upon the remembrance of his first field day, which was fraught with no mean reminiscences. The hon. Gentleman, however, turned round and seemed to accuse the hon. Members on that (the Opposition) side of the House with having given a support to the Government which was not founded on reason. He could tell the hon. Member that they were satisfied with the measures of the Government on the whole—offering, where it was necessary, a proper criticism, but not giving the House the trouble of dividing upon amendments which they had no chance of carrying. We (continued the hon. Member) reposed on the recollections of a great party—at present, I admit, under a cloud, but which in the course of its day has done something. The difference between the hon. Member and us is that he is now in his political youth. He is full of the vigour and inspiration of his new birth, and nothing will serve him but to make speeches and divide. We, on the contrary, are content with the calm, although not altogether satisfactory march of affairs, and we leave to him the more active career in which he has given promise of so much ability, and in which, with a little practice, he may ultimately, though after a considerable interval, find some success.

Report agreed to.

Bill to be read a third time.

COPPER ORE DUTIES BILL.

On the question that the House do resolve itself into a Committee on the Copper Ore Duties Bill,

SIR C. LEMON moved as an Amendment—

"That a Select Committee be appointed to inquire into the effect of the existing Duties on the importation and production of Copper Ores."

He said that the theory of free trade did not condemn duties imposed for revenue when they were not injurious to trade; and if a Committee were granted, he should be able to prove that the duty on copper ore was not injurious, while it brought in a large sum yearly to the revenue of the country. This was not the time to stand up for protection of any class to the injury of the community at large; but he should be able to maintain that these duties were not in any way injurious. He understood the Chancellor of the Exchequer the other night to say that this Bill was partly founded upon the statements made to the Board of Trade; but these he should be able to prove were greatly exaggerated. He knew his right hon. Friend chiefly relied on the public and official documents; but he should not shrink from meeting the facts which they disclosed. They showed that there had been since the year 1844 a considerable falling off in the quantity of ore imported into this country from Chili, and a corresponding diminution in the amount of revenue—that there had been a falling-off in the quantity of copper sent from this country to France, and a considerable export of coal sent to Chili to be employed in the reduction of copper ores. He admitted all these facts, but he denied that they proceeded from the small duty now levied upon the import of copper ores. It was imprudent to give up a revenue of 50,000*l.* or 60,000*l.* a year, when the object which they had in view was to be obtained by other means. The whole amount of copper ores smelted in France, including the French provinces and Algiers, and its importations from all parts of the world, amounted to only 1,000 tons a year, which were capable of yielding 250 tons of copper; whilst the ordinary importation of copper into France had been 8,000 or 9,000 tons annually. It was said that we were losing our markets abroad because we were undersold there; but, if that were so, price became an important element in the consideration of this question, and that element a Committee of the House would be the fittest to consider and decide upon. He hoped the Government would accede to his Motion, as he felt satisfied that the labours of the Committee would put the House in possession of much valuable information, and enable it to legislate with advantage upon this important department of our trade.

The CHANCELLOR OF THE EXCHEQUER would remind the House of the state of the law on the subject previously to the Tariff of 1842. Before that year all foreign copper ore was excluded from home consumption in this country, but it was allowed to be brought home and smelted in bond. The result was, that it was brought into this country, smelted in bond, and exported to foreign countries. The importation of copper ore under that law showed a constant and progressive increase. In 1838, the quantity of copper ore imported was 26,900 tons; in 1839, 30,000 tons; in 1840, 41,000 tons; in 1841, 48,000 tons; in 1842, 49,000 tons; in 1843, 55,000 tons; in 1844, 58,000 tons. The increase after the Tariff of 1842 was attributable to the fact that the new law had not, until 1845, actually come into operation in consequence of the arrangements which existed between the capitalists in this country and the producers of copper ore in Chili. The state of things in Chili was that the people of that country found it much more advantageous to send copper ore to this country to be smelted; and evidence was given before the Committee which had been appointed to inquire into this subject, that the Chili houses which had attempted to smelt the ore in Chili had been brought to ruin; and, in point of fact, smelting at the time the Tariff of 1842 came into operation was at an end there. He need not state to the House the advantages which accrued to the manufacturers of this country from the smelting of this foreign copper ore, the employment it afforded, the profits it yielded, and the stimulus which it gave to the importation of our cotton and woollen goods. By the Act of 1842 foreign copper ore was admitted for use in this country; but a duty was imposed on all copper ore brought hither. No copper ore could be smelted in bond free of duty, and again exported. No copper ore could be imported into this country from America except in British vessels. The consequence was rise of freight, and a sensible diminution in the imports of copper ore. The smelting houses in Chili were restored, and in many European towns it was found more convenient to establish smelting houses than to come here for smelted copper; and accordingly such places were erected in Hamburgh and other cities. He did not mean to say, that the smelting of copper ore was carried to any great extent in Europe; but the increased amount of copper ore imported by Hamburgh, within the last two years, was very extraordinary. In 1846, the amount of this ore imported there was 60,000 tons—in 1847, 477,000 tons; and a proportionate increase took place in the United States. He would read to the House a letter addressed to him by Her Majesty's Consul at Philadelphia (Mr. William Peter), who had been formerly a Member of that House. He was a Cornishman, and he was sure his hon. Friend (Sir C. Lemon) would place confidence in his statement. Mr. Peter said that—

> "Philadelphia, Sept. 13, 1847.
>
> "Already have two large companies been formed in this country, namely, 'The Incorporated Baltimore Company,' and 'the Revere Boston Company,' who have erected furnaces, and are smelting considerable quantities of American and Cuba ores, which ores, but for our high duties, would have been all smelted in England and Wales. Other smelting companies are also talked of—in New York, New Jersey, Philadelphia, and Richmond, more particularly at the latter place, which, from its situation at the head of the Tidewater Navigation, on the James River, and from its vicinity to the coal mines, is well adapted to the purpose."

The copper exported to France from this country had considerably fallen off; and from Chili the French imports of this article had considerably increased. He did not mean to say that there had been a falling-off in the gross; but there was this change—that, instead of France importing smelted copper from England, she imported it from Chili. But taking a period of three years, the quantity of smelted copper imported from England into France had considerably diminished, while the quantity imported from Chili into France had considerably increased. The quantities imported from England were, in 1845, 7,000 tons; in 1846, 4,485 tons; in 1847, 3,786 tons; from Chili, in 1845, 200 tons; in 1846, 711 tons; in 1847, 1,101 tons; from other countries, 2,257 tons; in 1846, 2,249 tons; in 1847, 2,793 tons. The necessary effect on the importation of copper ore had followed, as appeared from its rapid decrease since 1844. The quantity imported in 1844 was 58,406 tons; in 1845, 56,697 tons; in 1846, 51,637 tons; in 1847, 41,521 tons; showing, on the last of those years, a falling-off of 10,000 tons, as compared with the previous year. The duty had fallen off in the same proportion; and he felt that if he did not make a voluntary sacrifice for the good of the trade, the loss of the trade would be risked altogether. The duty received on copper ore in 1844 was 75,200*l.*; in 1845, 58,646*l.*; in 1846, 54,056*l.*; in 1847, 40,964*l.* His hon. Friend had argued the question very much as a matter of protection. His (the Chancellor of the Exchequer's) own real belief was, that this was a parallel case to that which, on a former occasion, he brought forward with regard to the duties on the importation of foreign wool. He believed that the quantity of metal produced from the fusion of foreign copper with English copper was larger than the quantity would be if they were fused separately. So that, under the present system, the English producer was a considerable gainer in point of quantity. He believed his hon. Friend would admit that. And, in the next place, he believed that the mixture of the two metals was exceedingly advantageous in point of quality. His hon. Friend the Member for Birmingham (Mr. Muntz) would be better able to explain that question; but he (the Chancellor of the Exchequer) had been informed that the fusion of the two metals led to such an improvement in the manufactured copper articles that the sale was materially increased. The price, too, was affected in this country by the price obtained in foreign countries. Taking the four years before 1842, and the four years subsequent to 1842, he found that the quantity of copper exported had increased from 57,549 tons in the first period, to 70,103 tons in the second period. Though an increase had taken place in the export of unwrought copper from 33,052 tons in the former period of four years, to 34,260 tons in the latter period of four years, the great increase had been in the export of wrought copper, which in the four years from 1838 to 1841 amounted to 24,497 tons, and which rose in the four years from 1843 to 1846 to 35,843 tons; so that the capitalists and artisans of England engaged in this department of manufacture had been materially benefited. He really thought that he hardly need trouble the House with any further statement upon this subject. He had refrained from entering upon those points on which his hon. Friend had himself admitted that there would be considerable dispute. His firm belief was, that, without entering into the question of free trade or protection, the manufacturers and workmen of this country had a direct interest in the increased importation of the raw material. He believed that the English producer would be benefited by the introduction of a larger quantity of foreign copper. All these statements were made on the authority of documents of indisputable accuracy. His hon. Friend had not made out the slightest case for a Committee of Inquiry. He would not now enter into the question of the amount of the duty, as that could be better discussed when the House went into Committee. There would certainly be a slight sacrifice to the revenue; but it really was so very small that he hoped the House would not assent to any Amendment on the proposition of the Government.

Mr. CAREW had never been a high protectionist; neither did he consider the rules of free trade universally applicable, and the present, he thought, an exceptional case. His confidence in free-trade doctrines had not been increased by events which had occurred in other countries; for while they were here throwing their ports open to foreign produce, their neighbours were following an opposite course. The arguments of the Chancellor of the Exchequer tended rather to lead the House back to the system which had prevailed before 1842, than to induce them to carry out the application of the principles then introduced. He hoped the House would agree to the Motion of his hon. Friend, for the labouring classes in the mining districts were peculiarly interested in this question. The House might not be aware that those classes were themselves speculators in mines to a considerable extent, and that they would be directly affected by any measure which would have a tendency to lower the value of the ore. He was sure that hon. Gentlemen would be most anxious to consider the case of these labourers, and that they would not afford any ground for the notion that those classes were not represented in that House, and that their interests were therefore neglected. He trusted, especially as an alteration of the Navigation Laws was contemplated, which would have a material effect upon the rate of freights, that the House would not hastily adopt the proposal of the Chancellor of the Exchequer, but that they would be anxious to take measures to secure from injury an important branch of the trade of this country.

Mr. LABOUCHERE would feel the deepest regret if the classes referred to by the hon. Gentleman who had just sat down, and especially the Cornish miners, who had always been distinguished by their good conduct as much as by their industry and perseverance, sustained any injury from the measure proposed by his right hon. Friend; but he believed that, when the House came to consider the effects of that measure, they would feel that no apprehension of such a result need be entertained. The Chancellor of the Exchequer had told them that, in this case, he was not giving up revenue, but that revenue was leaving him; for, while the present tax ruined the trade, it dried up that source from which alone any revenue could accrue. But this was not the greatest objection which he (Mr. Labouchere) entertained to the continuance of the duties upon copper ore in their present shape. He objected to the maintenance of those duties on the ground that they were fast leading to the utter destruction of one of the most valuable and important trades of this country. When an alteration in the rate of duties on copper was proposed by the right hon. Member for the University of Oxford (Mr. Gladstone), he expressed his fears lest that measure might produce the results which had since followed; and he implored the right hon. Gentleman not to put a stop to the power of smelting copper in bond, unless he was certain that such a measure would not divert that important branch of trade from this country. He believed that if that right hon. Gentleman were now superintending the commerce of the nation, he would be convinced that it was necessary to take one of two courses—either to revive the power of smelting copper in bond, or to admit copper ore at merely nominal duties. He considered that, of those two courses, the one taken by the Chancellor of the Exchequer was the best. He did not blame the right hon. Gentleman opposite for the experiment he had made; but he thought it was clear that they could not continue to impose the duties now levied upon foreign ore without destroying one of the most valuable branches of trade in this country. Some stress had been laid upon the burdens to which the copper miners of this country were subjected, and apprehensions had been expressed lest foreign copper ore might be introduced to a great extent, to the injury of the poor miners of Cornwall. He begged the House to remember what protection the English miners enjoyed, and which they naturally possessed from the cost of freight necessary to bring foreign ore to this country. He believed that the purest ores imported into this country from Cuba contained only ten per cent of copper; and, taking the freight at 3*l.* per ton, there was a protection of no less than 30*l.* upon every ton imported. In the case of Chilian the freight was 5*l.* per ton, and there was a protection of 50*l.* per ton in the case of ores containing ten per cent of copper; 60*l.* in the case of ores having seven and a half per cent of copper, and 100*l.* where there was five per cent of copper. This showed the large amount of protection given to this description of ore; and, unless it was meant that they should apply the principle of protection in its most extreme and aggravated form, there was no ground for maintaining it in the case of copper ore. He hoped the House would not consent to the Committee, for the appointment of which no valid reason had been given. The facts of the case were before the House; and if they should not consent to the reduction of the duties in this instance, he should despair of ever seeing any proposal to free the commercial code of this country proposed with any chance of success.

MR. ROBARTES was averse to all duties that were imposed for purposes of protection, and considered them opposed to the policy that had recently received the sanction of that House.

MR. CARDWELL wished to say a few words just to express how extremely glad he was that the time had arrived when this duty, which had been condemned by successive Governments, was at length to be abolished. It was proposed that they should send the subject to a Committee; but if they did, he would ask what possible question was to come before them? Were they to inquire whether there was likely to be a falling-off in the revenue? Why, they had had a successive, and uniform, and rapid falling-off in this branch of the revenue; and it was plainly and clearly declining from under the Chancellor of the Exchequer's feet. Were they to inquire into the import and export trade? Information on these points was already on the table of the House. What, then, could be the object of the Committee? If there was a single branch of trade in which we were making greater progress than another, it was the metal trade; and why was equal progress, as regarded our exports, not made in copper? It was this impolitic duty, which was a duty on the raw material. It was a duty, therefore, which pressed with peculiar aggravation; and it was one which ought especially to be done away with, because the increased consumption of that raw material led to an increased consumption of other raw materials used in the manufacture—the use of the one causing the increased consumption of the other. Had they not printed evidence to the effect that by the imposition of a duty on raw copper, they promoted smelting manufactories in Chili, in Hamburgh, and in America? But what was the interest of the Cornish miners? Why, that all the smelting establishments should be in Great Britain; because then they would become decidedly the greatest gainers. He did not remember a single commercial case in which there was so uniform an expression of opinion from all sides of the House, or in which there was so remarkable a concurrence of facts and agreement of interests. He thought, therefore, that, without a single fact to inquire into, nothing would be gained by the proposed Committee but delay. Successive Governments had admitted that it was only a question of revenue; and now, when the Chancellor of the Exchequer appeared to be able to spare the amount, he thought the sooner they consented to the abolition of the duty the better.

Mr. MUNTZ agreed with the hon. Member for Liverpool, that no advantage could come of the proposed Committee, and that all that would be obtained would be a delay that must prove injurious.

Mr. WYLD said, the House should bear in mind that the manufacture of copper ore was in the hands of six companies in this country, who had the most perfect monopoly that could exist in any country. They had heard of copper smitheries being established in different parts of the world, but at Swansea there were the greatest smitheries for the manufacturing of copper in the world. The hon. Member for Birmingham was greatly mistaken if he thought he should reap any advantage by the proposed reduction of duty; it would merely benefit the Swansea establishments. It might seem strange that he (Mr. Wyld), a free-trader upon general principles, should take the view he did; but in this instance his constituents thought they had a special case. There was a population of 100,000 dependent on this trade. It was said that Chili had ceased to consume a large portion of our manufactures; but that was only because the Americans had interposed to compete with us.

Mr. GLADSTONE thought the hon. Member for Bodmin (Mr. Wyld) need not anticipate that the House would be surprised at his claiming protection for copper ores while he professed the general principles of free trade. There was no phenomenon more common. There were scores of gentlemen of that interesting class devoted to the principles of free trade, but supplied always with a "special case" where their constituents were concerned—always devoutly convinced that there were peculiar circumstances entitling their case to be dealt with upon principles of its own. But when it was found that nearly all these "special cases," on the test of experience being applied to them, fell under general rules, one became very incredulous as to the particular circumstances on which such cases were alleged to rest; and, in the present debate, scarcely a serious attempt had been made to establish such circumstances. The hon. Member said that there was a monopoly of smelting in this country; then everything should be done to encourage the access of the material. Another hon. Member (Mr. Carew) referred to the labourers in Cornwall interested in the mines; but he omitted to show that this proposition would be detrimental to them. It did not follow from agreeing to this measure that the average price of Cornish ores would be depreciated. The Cornish ores stood in the position of a material auxiliary to the use of foreign ores; to a considerable extent, at least, the Cornish miner was dependent upon the introduction of foreign ores, inasmuch as his own, except for the power of combining them with foreign, would not pay for the labour of raising them. The hon. Baronet (Sir C. Lemon) confined himself to an endeavour to rebut the arguments of those who contended that the smelting trade was suffering under the present system; he did not show that the proposition would be injurious to the Cornish miner. If there was any description of trade for which the English had a peculiar genius, and which was properly and specially a national trade, it was the trade in metals—a trade which every effort should be used to encourage, and in which it might be expected that the freedom which legislation might give would be turned to the best account. With respect to smelting in bond, he (Mr. Gladstone) did not at all repent having been an instrument in putting an end to that system; he should have resisted any return to it; it went to supply the foreigner, in the foreign market, with manufactured copper upon more reasonable terms than the British. He was convinced that any dispassionate person who had listened to the course of this debate, must be satisfied that the interests of the Cornish miners would not suffer under the proposed change in the law; and therefore he could not doubt that it was their duty to adopt at once the proposition of Her Majesty's Government.

Lord G. BENTINCK said, that the right hon. Gentleman who had just sat down had observed that the hon. Member for Bodmin was one of the most common phenomenon of the present day. He thought that the right hon. Gentleman was himself quite a phenomenon, though certainly not a common one. He apprehended that it was a new axiom in political economy that the greater the supply the better would be the price, and the greater the demand. He did not, like the hon. Member for Bodmin, treat this as an exceptional case. He opposed the measure of Her Majesty's Government, not because the case was an exception *per se*, but because it was one of a bad gang of measures of free trade. It was a measure by which it was proposed to introduce the produce of foreign industry, almost untaxed, into this country; and if ever there was a time when it was unjustifiable in Her Majesty's Ministers to make such a proposition as this, it was when the Chancellor of the Exchequer came down to the House and announced a deficiency of nearly 3,000,000*l.*, and when he was obliged to call upon the country to submit for three years longer to the odious income-tax. The right hon. Gentleman proposed to cast away at this juncture a revenue of 40,000*l.* raised from foreign industry, thereby giving great encouragement and protection to the slaveowners of Cuba against the copper workers of Cornwall. But when the right hon. Gentleman would make it out that this was rather a benefit than an injury to the miners of Cornwall; and when the right hon. Gentleman the President of the Board of Trade alleged that the ore of Cuba produced from 5 to 10 per cent of metal, these statements stood in utter contradiction with those which he had received from Cornwall. [Mr. Labouchere had stated that some of the ores of Cuba produced from 5 to 10 per cent of metal, but not that there were not richer ores there.] If he had not got up to set the right hon. Gentleman right, the House would have gone away with the impression that the ores of foreign countries averaged from 5 to 10 per cent of metal, for the right hon. Gentleman entered into a long calculation to show that every ton of foreign copper would give a certain amount of additional employment. Now the fact was, that on the average the ore produced in foreign countries contained 21 per cent of metal, while the ores of Cornwall averaged under eight per cent; so that the ores of Cuba and Chili were nearly threefold as rich as the ores of Cornwall. Therefore, 52,000 tons of foreign ore would furnish as much pure copper as would be produced by the annual amount of ore raised in Cornwall. He was informed that, on the average, about 150,000 tons of copper ore were annually raised in Cornwall, and these 52,000 tons of foreign ore would consequently displace the labour of all the miners of Cornwall, consisting of 21,000 families. Well, but then a piteous tale had been told about the smelting trade. Since 1842, however, the price of copper ore had fallen 12*l.* 5*s.* per ton, while the price of smelted ore had risen 6*l.* per ton, so that the great monopoly of Swansea smelters, out of the diminished profits of the miners of Cornwall, had cleared 18*l.* per ton more than they did in 1842. These were the monopolists to whose rescue they were told to come to-night, and it was to put 40,000*l.* a year more in the pockets of these monopolists, or at least to divide that sum among them and the foreign owners of mines in Cuba and Chili, that the House was called upon to fling to the winds 40,000*l.* of revenue, which the Chancellor of the Exchequer ought well to know was sufficiently needed for other purposes. For these reasons, though he needed no Committee of Inquiry, and though he was prepared to oppose the proposal of the Government whenever it came before the House, on the ground that no article of foreign produce ought to come into this country untaxed, so long as England laboured under a higher amount of taxation than she could well bear, he should vote for a Select Committee. He would prefer to meet the proposition of the Government boldly in front; but, as he presumed that the effect of defeating them, by obtaining a Select Committee, would be utterly to overthrow their scheme, he cared not whether he assailed them in front, flank, or rear, and he should therefore give his cordial support to the Motion of the hon. Baronet (Sir C. Lemon).

Mr. E. TURNER said, that the Cornish miners were in favour of free trade in copper ore, because they wanted the fine foreign ore to smelt with their own inferior ore.

Mr. RICARDO said, that in 1839 copper ore was allowed to be imported free of duty, and yet the produce of the Cornish mines was greater in that year than it had been since—a fact which seemed to bear out the statement of the Chancellor of the Exchequer, that Cornish ore to be made available, required to be mixed with foreign ore. The produce of the Cornish mines was 12,468 tons in 1839, 11,259 tons in 1842, 11,593 tons in 1845, and 11,820 tons in 1846. The same arguments which were now directed against the importation of foreign ore were formerly employed against the admission of foreign wool; but admitting it free of duty had had the effect of greatly increasing the consumption of British wool.

Mr. HENLEY said, that the Chancellor of the Exchequer's proposition was supported by the most contradictory arguments. He thought a good case had been made out for inquiry, and he should vote for it if the House went to a division.

Mr. JAMES WILSON said, that the statements made by the noble Lord himself were sufficient to induce the House to concur with the Chancellor of the Exchequer. The noble Lord had said that the average quality of the ore imported was 21 per cent of pure copper, while that of the native ore was only 8 per cent. That fact was of itself sufficient to show the impossibility of our miners competing with those of foreign countries. The noble Lord had spoken of the labourers engaged in the manufacture of copper utensils for the foreign markets; but surely if he wished to encourage native industry, he ought to allow the importation of the raw material for the employment of those persons. The noble Lord had also alluded to the monopoly which the smelters possessed; and he should have borne in mind that the proposition of the Government was to reduce the price of the very article which those smelters used. Upon these grounds he (Mr. Wilson) would support the proposition of the right hon. the Chancellor of the Exchequer.

The House divided on the question, that the words proposed to be left out stand part of the question:—Ayes 102; Noes 35: Majority 67.

List of the Ayes.

Abdy, T. N.
Anson, hon. Col.
Anstey, T. C.
Barkly, H.
Bellew, R. M.
Berkeley, hon. H. F.
Bernal, R.
Birch, Sir T. B.
Bowring, Dr.
Boyle, hon. Col.
Brotherton, J.
Brown, W.
Campbell, hon. W. F.
Cardwell, E.
Carter, J. B.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cowan, C.
Craig, W. G.
Cripps, W.
Devereux, J. T.
Douglas, Sir C. E.
Dundas, Adm.
Ebrington, Visct.
Filmer, Sir E.
Forster, M.
Fortescue, hon. J. W.
Gladstone, rt. hon. W. E.
Graham, rt. hon. Sir J.
Greene, J.
Grey, rt. hon. Sir G.
Grey, R. W.
Hawes, B.
Heneage, E.
Henry, A.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Jackson, W.
Keppel, hon. G. T.
Labouchere, rt. hon. H.
Lewis, G. C.
Lincoln, Earl of
Lockhart, A. E.
Macnamara, Maj.
M'Neil, D.
Martin, C. W.
Matheson, A.
Melgund, Visct.
Moffatt, G.
Morpeth, Visct.
Morris, D.
Muntz, G. F.
Norreys, Sir D. J.
O'Connell, M. J.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Capt.
Peel, Col.
Pigott, F.
Pinney, W.
Power, N.
Rawdon, Col.
Ricardo, J. L.
Rich, H.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Scholefield, W.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Smith, J. A.
Smith, J. B.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Spooner, R.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Stuart, H.
Sullivan, M.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Townshend, Capt.
Towneley, C.
Trelawny, J. S.
Turner, E.
Urquhart, D.
Villiers, hon. C.
Walmsley, Sir J.
Ward, H. G.
Willcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.

TELLERS.
Hill, Lord M.
Tufnell, H.

List of the Noes.

Acland, Sir T. D.
Adderley, C. B.
Baldock, E. H.
Bentinck, Lord G.
Buller, Sir J. Y.
Cabbell, B. B.
Christy, S.
Clive, H. B.
Cocks, T. S.
Coles, H. B.
Colvile, C. R.
Deedes, W.
Dod, J. W.
Dodd, G.
Dunne, F. P.
Forbes, W.
Fox, R. M.
Fuller, A. E.
Galway, Visct.
Henley, J. W.
Hood, Sir A.
Ingestre, Visct.
Keating, R.
Meux, Sir H.
Miles, P. W. S.
Napier, J.
Nugent, Sir P.
Reynolds, J.
Robartes, T. J. A.
Seymer, H. K.
Stafford, A.
Talbot, C. R. M.
Tenison, E. K.
Vivian, J. E.
Wyld, J.

TELLERS.
Lemon, Sir C.
Carew, W. H. P.

House in Committee.

The CHANCELLOR of the EXCHEQUER moved—

"That, in lieu and instead of the Duties of Customs now payable in respect of the articles enumerated in the Schedule hereunto annexed, upon their importation into the United Kingdom, there shall be levied, collected, and paid, the rates of duty specified in the said Schedule:—Copper ore, 1*s.* per ton; regulus of copper, 1*s.* per ton; old copper, fit only to be manufactured, 2*s.* 6*d.* per ton; unwrought copper, viz., in bricks or pigs, rose copper; and all cast copper, 2*s.* 6*d.* per ton; copper part wrought, viz. bars, rods, or ingots, hammered or raised, 2*s.* 6*d.* per ton; copper in plates, and copper coin, 2*s.* 6*d.* per ton; pig and sheet lead, 2*s.* 6*d.* per ton."

The Committee divided on a Motion to report progress:—Ayes 13; Noes 77: Majority 64.

List of the Ayes.

Baldock, E. H.
Brotherton, J.
Buller, Sir J. Y.
Carew, W. H. P.
Dod, J. W.
Dodd, G.
Dunne, F. P.
Forbes, W.
Fox, R. M.
Hood, Sir A.
Miles, P. W. S.
Napier, J.
Wyld, J.

TELLERS.

Bentinck, Lord G.
Henley, J. W.

List of the Noes.

Acland, Sir T. D.
Anstey, T. C.
Barkly, W.
Bellew, R. M.
Berkeley, hon. H. F.
Birch, Sir T. B.
Boyle, hon. Col.
Brown, W.
Campbell, hon. W. F.
Cardwell, E.
Christy, S.
Clerk, rt. hon. Sir G.
Cowan, C.
Craig, W. G.
Cripps, W.
Douglas, Sir C. E.
Dundas, Adm.
Ebrington, Visct.
Fortescue, hon. J. W.
Graham, rt. hon. Sir J.
Greene, J.
Grey, rt. hon. Sir G.
Grey, R. W.
Hawes, B.
Henry, A.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Jackson, W.
Keppel, hon. G. T.
Labouchere, rt. hon. H.
Lincoln, Earl of
Lockhart, A. E.
M'Neill, D.
Melgund, Visct.
Morpeth, Visct.
Morris, D.
Muntz, G. F.
Norreys, Sir D. J.
Nugent, Sir P.
O'Connell, M. J.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Capt.
Pigott, F.
Power, N.
Reynolds, J.
Ricardo, J. L.
Robartes, T. J. A.
Russell, F. C. H.
Rutherfurd, A.
Scholefield, W.
Seymer, H. K.
Sheil, rt. hon. R. L.
Smith, J. B.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Spooner, R.
Stuart, H.
Sullivan, M.
Talbot, C. R. M.
Tenison, E. K.
Thompson, Col.
Thornely, T.
Towneley, C.
Townshend, Capt.
Turner, E.
Urquhart, D.
Walmsley, Sir J.
Ward, H. G.
Wilcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.

TELLERS.

Tufnell, H.
Hill, Lord M.

Resolutions agreed to.
House resumed.
House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, April 18, 1848.

Minutes.] Public Bills.—1^a Crown and Government Security.

Reported.—Election Recognisances.

3^a and passed, Leases of Mines (Ireland); Removal of Aliens.

Petitions Presented. From the Borough of Hertford, for the Suppression of Seduction and Prostitution.—From the Magistracy of Hawick, and Farmers in the County of Ross, for the Amendment of the Law of Entail, Scotland.—From the Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for the Extension of the Privileges of the Benefit Societies Act to that Order.—From the Inhabitants of the Burgh of Stirling, for the Adoption of Measures to Extend the same Liberty of Worship to Clergymen voluntarily Seceding from the Established Church, as is enjoyed by other Dissenting Ministers.—From the Right Hon. the Earl of Dundonald, for Inquiry into Certain Plans for the Defences of the Country.—From several Persons, for the Settlement and Liquidation of their Claims for their Services as Witnesses, &c., connected with the Flores Expedition.—From the Poor Law Officers, Birmingham, for to Empower Boards of Guardians to grant Superannuation Allowances to Poor Law Officers.—From Pontefract and Penrith, against any additional Expense being Incurred by Increasing the Naval and Military Establishments.—From High Wycombe, for the Imposition of the Severest Penalties on all those Roman Catholic Priests who shall Denounce Persons from the Altar.—From a Number of Working Men of London, Leeds and other Places for the Enactment of Sanitary Measures.—From the Mayor, Aldermen, and Others, of the Borough of Southampton, for the Abolition of Fees to Magistrates' Clerks.—From the Merchants, Traders, and Others, of Chelsea, for the Removal of Existing Tolls on Waterloo, Southwark, and Vauxhall Bridges.—From the Mayor, Aldermen, and Others, of Southampton, for the Abolition of Grand Juries.—From Merchants, Shipowners, and other Traders, and Operative Coopers of Glasgow and Greenock, against the Sugar Duties Act.—From Planters, Merchants, Tradesmen, and other Persons, of Hanover, Cornwall, and Westmoreland, in the Island of Jamaica, against the Sugar Duties Act.—From Robert Willett, Proprietor of Fiddington House Asylum, for an Alteration of the Lunatic Asylums and Pauper Lunatics Act.—From the Parish Schoolmasters within the Presbytery of Peebles, for an Alteration of the Present System of Parochial Education, Scotland.—From the Guardians, Churchwardens, and Overseers, of the Poor of the Parish of Wincanton Union, for an Alteration of the Poor Laws.—From the Mayor, Aldermen, and Others, of the Borough of Beverley, against any Increase of the Income and Property Tax.

ARMING AND TRAINING IN DUBLIN.

Lord BEAUMONT: Before proceeding to the Orders of the Day, I wish to put a question to the noble Marquess the President of the Council, with reference to a subject which was discussed in this House yesterday. I understood the noble Marquess to state that there was no training going on upon the part of discontented and evil-minded persons in Dublin. I have been informed, however, not only that such training is going on, but that it is not unknown to the Government. I wish, therefore, to ask my noble Friend if my information is true; and, if so, what steps have been taken by Her Majesty's Government with respect to it? I will ask for another explanation from my noble Friend. Yesterday he stated that the Government in Ireland, most wisely, as he thought, have availed themselves of the offer of certain persons who are anxious that peace should not be disturbed in that country. I understood my noble Friend to say arms were sent over from this country to those persons. I wish, therefore, to know whether it is the intention of the Irish Government that arms should forthwith be supplied to those persons, also to what associations, and whether it is intended to enrol armed bodies, and if so, what bodies?

The Marquess of LANSDOWNE: I think I can satisfy my noble Friend on both the points to which he has referred. To begin with the latter, I should be sorry if it should be understood that the offer of any association to the Lord Lieutenant of Ireland had led to the immediate arming of that association. The House, however, has an opportunity of knowing exactly what passed upon the subject, because the application of the association in question, as well as the Lord Lieutenant's answer, has appeared in the newspapers. The association, indeed, appear to be perfectly aware they cannot arm themselves without the authority of the Crown; and when I stated that arms were in the act of being sent to Ireland, I did not mean that it was with a view to the arming of that particular association, but to add to the stock of arms, and to enable the Lord Lieutenant, when he thought fit, to avail himself of the services of those persons. With regard to the other point referred to by my noble Friend, I am extremely glad to give any information upon the subject to the House. Although, up to the moment when I addressed your Lordships yesterday, I did not know of any training that had taken place in such a manner as would authorise the Lord Lieutenant to take any steps, under the Act to which the noble Earl opposite (the Earl of Ellenborough) alluded yesterday; I nevertheless felt satisfied that the instant any proof was given of such training going forward, indeed I felt a perfect conviction from my knowledge of the Lord Lieutenant, that he would instantly put the Act into force. Twenty-four hours have not passed, my Lords, without both those circumstances having been verified. Information that training was proceeding in the city of Dublin was ascertained yesterday, and before the evening all the persons engaged in that training were arrested, and they are now in custody. Any other society assembling for the same purpose would be equally and immediately apprehended in the same manner. I am further enabled to say, it appears, fortunately, I think, that under the provisions of the Dublin Police Act, any firing at a mark within the precincts of the city is illegal, and may be punished; and being illegal, if it is found to be continued, it will be punished.

ELECTION RECOGNISANCES BILL.

House in Committee.

Lord BROUGHAM said, that as he had no desire to delay the progress of the Bill, he would postpone the Amendment of which he had given notice until the bringing up of the report.

Lord CAMPBELL suggested that the Amendment could come on when the third reading was moved.

Lord BROUGHAM said, that the suggestion of his noble and learned Friend would meet his views. His objection extended to the preamble of the Bill also. The preamble set forth that, "whereas it was expedient;" it did not add that it was just or necessary, but merely expedient—to do what would be a great injustice; and in that expediency he, for one, could not concur.

Lord REDESDALE said, that the noble and learned Lord ought to be cautious in imputing motives to the supporters of the measure. He ought to recollect that the principle of enacting *ex post facto* laws was by no means a new principle in legislation.

Lord CAMPBELL said, that the present Bill was not like former *ex post facto* enactments, or like any measure that ever passed through Parliament. This Bill differed from all others, inasmuch as it was intended to shut out inquiry into abuses, and to aid sitting Members in retaining their seats without having their elections examined into.

Lord MONTEAGLE denied that the Bill was a job, and thought that noble Lords ought to be cautious in casting such an imputation on a measure which had received the support of a great majority of the other branch of the Legislature. He begged to remind the House that the jobs might be on the other side. For his own part, he knew nothing whatever of the Bill until he was asked to move the second reading by his right hon. Friend who had charge of it in the other House of Parliament.

After a few words from Lords Brougham, Monteagle, and the Lord Chancellor,

Bill in Committee. House resumed. On question that the Bill be reported,

Lord BROUGHAM moved the Amendment, of which he had given notice, namely—

> "That nothing in this Act contained shall be of force, by way of retrospective or *ex post facto* law, to affect any vested interest, or decide any question now depending before any court or in either House of Parliament."

The House divided:—Contents 21; Non-contents 16: Majority 5.

Lord MONTEAGLE complained of the course which had been pursued by the noble and learned Lord in taking a division at that stage of the Bill. He said that the intimation which had been given by the noble and learned Lord was, that he would not move the Amendment, and go to a division that night. The consequence was, that several noble Lords had gone away, who, had they expected a division, would have waited and voted for the Bill, and against the Amendment. But the noble and learned Lord seemed to have given a whisper to the noble Chairman, and then a division was called for. He asked the noble Lords who belonged to Her Majesty's Government, and who had united their votes with that of the noble and learned Lord, if surprises of that kind were to be permitted, how the public business was to be carried on? It was a practice of a most novel nature, and one which was inconvenient to all parties. He, therefore, gave notice that on to-morrow night he should, not by surprise, but by regular and due notice, move that the House upon the third reading of the Bill do disagree with the Amendment.

Lord BROUGHAM never in his life saw a more extraordinary instance of total forgetfulness of what had passed than had just been evinced by the noble Lord. That he (Lord Brougham) had said that he would take the division upon the third reading, he did not deny. The suggestion had been made to him by his noble and learned Friend (the Lord Chancellor), and he had at once acquiesced. But whether the debate took place upon the report or upon the third reading could not matter to the noble Lord opposite; and there would have been this inconvenience attending its being taken upon the third reading, that it would have to be reported; and the report could not have been received upon the same day that the Amendment had been introduced in Committee. The only question really had been the taking or the not taking the debate in Committee, and not one word had been said of the division; and it was in accordance with a whisper across the table from his noble and learned Friend (the Lord Chancellor), who said that it would be better to take the debate upon the report, that he had acted. Anything more unfounded than the charge of its having been done by surprise, or of the House having been taken by surprise, he never heard.

The Earl of MALMESBURY said, that he had gone to his noble and learned Friend (Lord Brougham) at an early period of the evening, and asked him was he going to divide upon his Amendment? to which his noble Friend replied, "I have no intention of the sort—I only wish to record my opinion." He (the Earl of Malmesbury) thought there would be no division, in consequence; and he told his Friends who had come down for the purpose of supporting the Bill, and whom he had been asked to desire to attend, that they might resume whatever other occupations they might find more amusing than sitting there.

Lord BROUGHAM had only to give the most complete, stringent, and peremptory denial to that statement of the noble Earl. ["Order!"] He was not to be called to order for denying a statement such as that. He had a right to deny it, and to assert the fact. He never heard the noble Earl say such a thing, or ask him if he meant to take a division. He (Lord Brougham) was asked by the noble Earl if he meant to debate the question that night; and he said he had no intention of doing any such thing, as he merely proposed the Amendment in order to give his opinion. If he had refused to divide, he would not have done so. But he merely declined to debate the question; and as to his having called for a division, he had done no such thing. He said nothing one way or the other. Some noble Lord on the other side, when the Lord Chancellor said, "The Contents have it," said, "The Non-contents have it," and called for a division; but he gave the most positive, unhesitating, and peremptory denial to the statement of the noble Earl. There was no question put to him about dividing upon the Amendment.

The question never arose on dividing, only on debating. The noble Earl might have used the word "division," or "divide;" but he (Lord Brougham) never heard him say so. He thought the question was only whether he meant to debate it.

The EARL of MALMESBURY, in explanation, said, the circumstances were these. He had been desired to solicit the attendance of Peers who approved of the Bill, not to solicit their attendance merely to support it; but he had been asked by several Peers to give them intimation as to the time at which it was brought on; but he did not make what was called "a whip" for the occasion; and when he was asked by several of those Peers whether there would be a division, he, notwithstanding what had been said by his noble and learned Friend, certainly did ask him if he meant to go to a division.

LORD BROUGHAM: Did the noble Earl hear me say "I won't divide?"

The EARL of MALMESBURY: When I asked the noble and learned Lord was he going to divide, he said, "I have no intention of doing so."

LORD BROUGHAM: Yes; I said, "I have no intention of doing so," meaning of debating the question; thinking that that was the question which the noble Earl had asked me. The noble Earl could not screw himself up to say, that I said I would not divide. The noble Earl now says, that Peers often ask him to give them intimation as to when Bills are coming on, and that that was all he did upon this occasion. But what he said in his first speech was this, and it is what every one present heard him say, and what I will swear to—not that he was asked to tell when certain business was coming on, but he said, "I was asked to desire Peers to attend who approved of the Bill." Is it meant by that to tell your Lordships that all the noble Earl did was to go about and say to Peers, "Have you considered this Bill, and do you approve of it? And if you do, pray come down and support it." Or rather, as I apprehend, that they were asked generally to come down upon this Bill, I won't say to vote for it, if they approve, but to support it, not merely to come down in case they should approve or disapprove of it. Asking a man to support a thing if he approves is nonsense, and it is an offence, for any one must be supposed to support what he approves.

The EARL of MALMESBURY and EARL GREY rose together, but the latter noble Earl requested the former to give way, and proceeded to say, that he could not help thinking that, after what had already passed, the conversation ought not to proceed further. The further consideration of the Bill and the Amendment should stand over until to-morrow evening. But he should say one word in explanation. His (Earl Grey's) vote that evening had been given in favour of the Amendment, in consequence of his noble Friend (Lord Monteagle) not having accepted what he (Earl Grey) thought was a very fair proposal. And his vote to-morrow night would depend upon the promoters of the Bill acceding or not to a fair Amendment.

THE REMOVAL OF ALIENS BILL.

On the Motion of the MARQUESS of LANSDOWNE, the Removal of Aliens Bill was read a third time and passed.

Their Lordships adjourned at a quarter past Seven o'clock.

HOUSE OF COMMONS,

Tuesday, April 18, 1848.

MINUTES.] PUBLIC BILLS.—1° Audit of Railway Accounts; Places of Worship Sites (Scotland); Remedies against the Hundred; Removal of Aliens.

2° Municipal Corporations (Ireland).

3° and passed—Crown and Government Security; Exchequer Bills (17,946,500*l.*); Public Works Completion (Ireland).

PETITIONS PRESENTED.—By Mr. Bright, from Manchester, for Adoption of Universal Suffrage.—By Lord Rendlesham, from Woodbridge (Suffolk), for Better Observance of the Lord's Day.—By Sir E. Filmer, from Maidstone, against Roman Catholic Relief Bill.—By Mr. Hume, from the East Free Church in Brechin (Scotland), for Alteration of Law of Sites for Churches (Scotland). By Captain Harris, from Southampton, for Repeal of Duty on Attorneys' Certificates.—From the Royal Burgh of Kirkwall (Orkney), for Inquiry into the Excise Laws.—By Mr. Fuller, from Hailsham, and by Mr. Alexander, from Inverness, against the Diplomatic Relations, Court of Rome, Bill.—By Lord Edwin Hill, from several Places, for Encouragement to Schools in Connexion with the Church Education Society, Ireland.—By Mr. Lockhart, from the Presbytery of Lanark, for Ameliorating the Condition of Parochial Schools (Scotland).—By Mr. A. Matheson, from the Town Council of Forres, for Amendment of the Poor Law (Scotland).—By Colonel Hall, from Buckingham, for Alteration of the Law respecting Promiscuous Intercourse.—By Viscount Morpeth, from several Places, in favour of the Public Health Bill.—By Mr. Lockhart, from the Synod of Glasgow, against the Schoolmasters' (Scotland) Bill.

ARMING IN IRELAND.

In answer to MR. G. A. HAMILTON,

SIR G. GREY said, it was quite true that an armed association had been enrolled in Dublin, with the view of preserving the peace and of protecting the lives, liberties, and property of the people. The association had placed themselves at the disposal of His Excellency the Lord Lieutenant, by whom their services had been accepted. He was happy to say, that, amongst the gentlemen who had waited upon the Lord Lieutenant as a deputation upon this subject, two were Roman Catholics, and four were gentlemen professing what were generally termed "liberal politics." He need hardly add, that armed associations were not legal unless they received the direct sanction of the Crown.

CROWN AND GOVERNMENT SECURITY BILL.

On the Motion that the Security of the Crown and Government Bill be read a Third Time,

Mr. HUME moved that the Bill be read a third time that day six months. He would not imitate the conduct of Fox, Sheridan, Whitbread, and others of the Liberal party, who, on the third reading of the former Alien Bill, rose and left the House. The Alien Bill to which he had referred was read a third time by 265 to 51; and, comparing these numbers with the majorities which had occurred on the present measure, it would be found that the Reformed Parliament were as inimical to free discussion as the unreformed, if, indeed, not more so. He regretted exceedingly that such a measure should have been introduced by a party professing to act upon Liberal principles. He was afraid that consequences might result from the Bill much more serious than any apprehended by the noble Lord who introduced it.

Sir De L. EVANS was still of opinion that the Government had not exercised a sound discretion in introducing the provision about open and advised speaking. He could not concur, however, in the exaggerated reproach which had been cast upon Ministers with respect to the Bill as a whole. With the exception of the words to which he had referred, the provisions of the measure were ameliorations of the present law; and he could neither see fairness, candour, nor justice in letting it go forth to the country that the law had been rendered more stringent than it was at present. Instead of abusing Ministers for the concessions they had made, the House ought to thank them for what they had done. It was a great thing that the endurance of that part of the Bill which related to open and advised speaking was limited to two years; and it was also of much importance that the punishment for minor offences was reduced from transportation to imprisonment.

Mr. F. O'CONNOR contended, that the Bill was a violation of the constitution and of the Bill of Rights, and that it took away the right of bail and traverse. Adverting to the Chartist proceedings of the 10th inst., he admitted, that after the violent and inflammatory language that had been used, the Government would not have done their duty if they had not taken precautionary measures; but, at the same time, he contended that nothing had occurred to justify such a Bill as this. He had never recommended an appeal to physical force, but, on the contrary, had always discountenanced it; while those who had preached physical force had always been found wanting when the time of danger came. Neither had he ever sought for or derived aid from any foreign country. It should be observed, however, that almost all those foreign countries which until lately had been trammelled by despotism, were now receiving constitutions grounded on the principles which were contended for by the Chartists. He had always told the working classes that the constitution of this country was worth living for, and worth dying for, and that the right of freedom of speech always enabled the people to bring a moral force to bear upon the Government; but once gag the people, once put fetters upon the free expression of public opinion, and there would be an end to the boast of the British constitution. But that would be the effect of this Bill, for it would prevent men from speaking, lest they should violate its provisions. For himself he should leave off speaking extemporaneously—he would write his speeches, and read them, and then hand them over with his compliments to the Attorney General to make what use he pleased of them. He appealed to the noble Lord, whom, after all, he would rather see at the head of the Government than any one else in the House, not to sully his own fair fame, not to derogate from the reputation of his ancestors as lovers of freedom, by the authorship of a measure like this. The Reform Bill had been carried, but the people were now looking for its fruits, and he trusted the noble Lord would not disappoint them. The hon. and learned Member next declaimed against the principle of centralisation, contending that what the people wanted, and were determined to have, was local power. If he had given to this Bill what was called a factious opposition, it was because he regarded with terror the precedent that would be established for hon. Gentlemen now on the Opposition side of the House, if they should pass over to the Treasury benches. It was a gagging Bill, and it would operate as a gagging Bill hereafter upon the noble Lord himself when he should be in Opposition. If the present state of the weather continued for ten days or a fortnight longer, the corn in the ground would be destroyed; and if the harvest should prove bad, did the Government suppose that a measure like this would stop the mouths of starving people? He would join the hon. Member for Montrose in his Motion against this Bill; and, as it appeared that Her Majesty's Opposition had now been regularly and constitutionally formed, of which the hon. Member for Montrose was to be henceforth the leader—[*A laugh*]—he said it not tauntingly; but, whosoever might be the leader, it was to be hoped that the party would show more of resolution and courage than they had last night, when it had been his purpose to impede the progress of the Bill, and frustrate it, if possible, by any means the forms of the House would allow. It appeared to him that on that occasion the party, although ranged under their new banner, had shown themselves rather faint. If they really intended to succeed, they must commence their opposition bravely.

Mr. HEADLAM thought the time had come when the Crown and constitution of the country would be best maintained by allowing the utmost freedom of thought upon every subject connected both with the form of government and with our social institutions. But then there was a perfectly clear and intelligible distinction between this and everything that tended to a breach of the peace or violent overbearing of the authorities of the country. He thought this freedom of discussion was analogous to that freedom of action which was allowed by our constitution, while the law interfered so soon as there was any attempt to violate the peace of the country. But during the debate a distinction had been taken, that there should be a restraint on the freedom of writing, but not on the freedom of speech; and it was to this he wished to direct the attention of the House. Suppose a person were to make an inflammatory speech, inciting his audience to take up pikes and muskets against the Government, he thought there could be no doubt that the moral guilt of the man was the same as that of the man who incited to the same things in writing, while there was more excitement in spoken words than in writing. He therefore thought the attempt to establish a distinction of this kind only led people away from the constitutional argument. With respect to the Bill before the House, the only offences which it did punish were those that violated the peace of the country, and therefore he thought they ought to obtain the sanction of the House. He would say, further, that if they laid down the law on this basis—freedom of discussion, but no toleration of violence, then he thought the charge of every judge, the speech of every counsel, the verdict of every jury, would impress deeper and deeper the constitutional principle, that while freedom of discussion was allowed, the law would interfere for the support of peace and order in society.

Mr. SEYMER represented a constituency of 6,000, and he was happy to have it to state that they were unanimously in favour of this Bill. They entertained no seditious sentiments, and they could not see any objection to a measure which was calculated to secure the safety of the country. Hon. Gentlemen opposite, and the hon. Member for Finsbury, in particular, were very partial in reminding the House of opinions "out of doors;" and he (Mr. Seymer) would therefore now tell them, that "out of doors" people coupled the votes in favour of the liberation of Frost with the opposition against this Bill; and they naturally came to the conclusion that those hon. Gentlemen must have some slight sympathy with sedition. He considered that at this moment seditious speaking would be much more dangerous than seditious writing. An anonymous recommendation in a newspaper to purchase pikes would not do much harm; but the report of a speech in which the orator insisted upon his audience arming themselves, the audience being represented to shout loudly "We will," was likely to influence the ignorant and weakminded much more effectually, and did, in point of fact, do much more mischief. The hon. Member for Oxford (Mr. P. Wood) had used it the other day as a very strong argument against the Bill, that it would in many cases entrap young men, students, for instance, of the universities, and punish them with undue severity; but if young men were so very foolish as to compass and imagine very improper things, they deserved to be exposed to all the penalties. The people of England were not ready to have their Government upset by young gentlemen of a Polytechnic School. He greatly regretted that Her Majesty's Ministers had not adhered strictly to their original views; he was exceedingly sorry to perceive the facility with which they had yielded to the small minority on their side of the House. Their want of firmness, he thought, had had the effect of giving a power and importance to the democratic party which would in no other circumstances have been obtained; and the result, he feared, would not be of a character on which the country would have to congratulate itself. He wished to guard himself against misconstruction. Usually, when an hon. Gentleman on that (the Opposition) side expressed his regret at the conduct of the Cabinet, it was always understood that he meant he was very glad of anything which brought the Treasury bench into disgrace; but he had on this occasion no such feeling. He was convinced that the present Government was the best which at this moment could be in power; he had the greatest respect for the noble Lord; he desired to see his measures successful; and on that account he might be excused for saying that he regretted most sincerely a proceeding which might lower the noble Lord in public estimation. With regard to the new democratic party, with its chairman, deputy-chairman, and honorary secretary, he would only say that the country Gentlemen would meet it at every step with the most determined opposition, and he was quite sure that they would not fail in the contest.

Mr. P. WOOD could not let the Bill be read a third time without recording his final protest against that which he conceived to be a direct invasion of those principles of settled constitutional law which had now existed for 500 years, since the reign of Edward III., and to which the country was indebted for its happiness and its prosperity. The argument which he had used when in Committee, "that words, unaccompanied by an overt act, would not amount to treason," had been contested by the Attorney General; but in the case (Despard's case) referred to by the hon. and learned Gentleman, as affording proof against him, he found that the indictment did not lay any single word spoken as an overt act, and that the *dictum*, which was a very different thing from the decision, of Lord Ellenborough, asserted merely, that inasmuch as a seditious meeting was an overt act, the words spoken at such a meeting might be taken as part of the act, and would so amount to treason. He, therefore, contended, that if a meeting were called in Ireland, not for any treasonable purpose, but for an election, and that at such meeting a speaker called upon the people to march with him for the overthrow of the Saxon Crown and Government, the words, though seditious, could not be construed as treason. The difficulty pointed out by the right hon. Baronet the Member for Tamworth had not been met. The first part of this Bill would leave the greater crimes to the operation of the Act of 1796; it would deal with felonies only; and they thus left large, and peculiar, and not less dangerous classes of treason wholly untouched. He acknowledged that the fact of this Bill being made temporary would remove much of the objection which he had entertained to it; but still he considered the precedent a bad one, and which might be revived hereafter with most pernicious effect.

Mr. ADDERLEY thought, that as the triumvirate of sedition in Ireland were gentlemen who used words only, and would leave to their deluded followers to commit the overt act, some change in the law was decidedly necessary in order to insure them adequate punishment. He did not support this Bill because he was at all desirous of preventing the free expression of opinions, but because he wished to put a stop to that sort of liberty which was exercised only for the purpose of overthrowing all law and all order; and when a truer and more rational freedom was restored, he would be perfectly willing to discuss, in a fair and constitutional manner, whatever grievances the people might demand to be redressed. There was no objection in that House to giving every consideration to the question of repeal; but they would refuse to debate at the point of the bayonet, above all at the point of a French bayonet; and it was his opinion that the only communication they could hold with the man who invited foreign intervention was with swords in their hands. There was as little objection to dealing fairly with the six points of the Charter; and he, for one, would not shrink from a full investigation of the case which was laid before them. The "monster petition," he admitted, had stated the case in a very fair manner, and his only regret was that it had been improperly and unconstitutionally brought forward. Liberty, in this country, could not be advanced by outbreaks, or by the clamours of disorderly mobs. He agreed to a great extent with the hon. Gentleman opposite in thinking that the condition of the people in this country was such that a good man could not look upon it without sorrow. They could not but perceive with pain that there existed extreme poverty in the neighbourhood of extreme wealth; and he thought that the richer classes ought now to make every sacrifice, even to their last shilling, that they might diminish the distresses around them. He believed that those sacrifices would be made, and that the feeling on the part of the rich was not of a kind which should occasion hatred among the poor; and, that being so, he deplored that it should be in the power of any demagogue to blind the people to their true friends, and to put them in a position which would render it a question with those friends whether the humbler classes were really qualified for the prudent exercise of the privileges they demanded. He agreed also with some hon. Gentlemen in considering that, just now, some system for the better organisation of labour—he would not say communism—was essential to the general welfare; but while he saw this necessity, he did not overlook the difficulties which attended the question, and he would not hastily, avoiding a medium, consent to any violent and organic change in society. The age of chivalry, it was said, had passed away, and he greatly feared that the age of treason had succeeded; but the demagogues would find that the gentry and the middle classes of England, though well inclined to peace and order, would not be slow to take up arms if the safety of the Queen and the integrity of the constitution were invaded. They would be the less slow should they find their own countrymen appealing to a foreign Power for assistance in their treasonable designs; and all he would say was, that if it should be his misfortune to be called out in aid of the civil power, and to find a "French sympathiser" in the crowd, he would not be wanting in the effort to extirpate such an individual.

Mr. MITCHELL did not see why, in all cases, they should be bound by the wisdom of their ancestors. A new offence had arisen, seriously endangering the tranquillity of the country, and they were bound to enforce a new penalty, and to provide a proper punishment. The preservation of the public peace was a matter of the greatest importance to the trade and commerce of the country. In proof of this, he would instance the fact, that a general belief in the stability of the public tranquillity in England was highly advantageous to us in the rate of exchanges. With Russia, for instance, the preservation of our tranquillity last week had made a difference of 5 per cent. Let the hon. Member for Montrose see how that would affect his constituents, who were large consumers of the raw material of Russia. Had that rise of 5 per cent continued, the hon. Member's constituents would have had to pay 30,000*l.* a year more for their material. It was, therefore, a cruel thing that a few paltry agitators should prevent this country from recovering itself from its past difficulties; for if there were a general confidence felt by foreign nations in our tranquillity, we should speedily have such a prosperous and profitable trade, both for goods and manufactures, as would employ all our labour and all our capital to meet it. For these reasons he gave his cordial assent to the Bill of the noble Lord. When the hon. Member for Montrose brought forward his proposed measure for extending the franchise to all householders, he should be ready to support it; but he would not lend his countenance to a foolish agitaion, which would, if not put down, destroy the trade and commerce of the nation.

Mr. HORSMAN said, there could be no difference of opinion in that House as to the important necessity of maintaining peace and order. The question was, how could they most effectually secure the greatest amount of liberty, combined with the greatest amount of security? He confessed that when the Bill was first introduced, his objections to it were so serious, that he felt prepared to give it all the opposition in his power. So strongly did he value the privilege of free discussion in this country—so much had it to do, in his opinion, with the forming of the character, and the establishing of the national liberty—that he did not at first feel disposed to part with it, even from a consideration of such dangers as had been pointed out by those who had taken the lead in supporting the Bill. But when the noble Lord at the head of the Government made the concession limiting the Bill, he did not feel justified in continuing his opposition. He now accepted the Bill in its new shape, and under all the circumstances he was prepared to vote for it as a Government measure. He could not help reflecting, that a period of danger was a period of peculiar trial to the statesman, who on the one hand was assailed by the fears of the timid, and, on the other, might gain an easy popularity by going with the tide. Under such circumstances any coward might resort to force; but the only safety lay in steering by the lights of the constitution. They all knew that it was in dangerous times that the worst precedents had been established—it was at such times that Parliament was apt to be violent, because distrustful both of itself and of the Government. It was for that reason that he and his Friends around him had refused to the Government the possession of a power more permanent in its duration than the emergency by which it was demanded, and had been ready to brave the odium of the misconstruction to which they were subject. There was one reason, which had not been adverted to by his hon. Friends, why he agreed to the passing of this Bill. Had it been applicable to England alone, he certainly should not have assented to it; but it could not be forgotten that the circumstances of Ireland were entirely different from those of England. The feeling pervading the English population was a wholesome one—in Ireland the great majority of the people were in a state of disaffection. ["No, no!"] At all events, they were dissatisfied and discontented. Their words were sooner followed by acts than in this country, and the harangues of the speakers were the more dangerous, on account of the ready sympathy of their hearers. He must state it as his opinion, whether right or wrong, that the whole Roman Catholic population of Ireland might be said to be one great conspiracy; and he thought the national feeling of the country might be represented as a sort of overt treason. The Government had no right to feel surprised, however, at the state of things which now existed. At the very commencement of the Session, during the discussion on the Coercion Bill, they were told that they could not guarantee the peace of the world, and that the very first shot fired abroad might be the signal of disturbance in Ireland. In times of safety such remarks were not listened to; in times of danger it was scarcely safe to make them. He trusted that the Government would enter at once on those great legislative improvements which were necessary to the well-being of Ireland. It was his firm conviction that if two years more were suffered to expire without the introduction of any of those measures which all the leading Members of that House knew to be necessary for the improvement of Ireland—if the lapse of two more years were suffered to declare only the impotence of legislation—he firmly believed that the Irish Members of that House would not be the only Members who would vote for repeal. If he might use the memorable words employed on another occasion, he would say, "Ireland is occupied, but she is not governed; she must be conciliated rather than conquered." If, despising the lessons furnished by nations around them, the Government determined to exhibit in Ireland the worst feature of past Governments—Government by force rather than by opinion—if they relied upon the extension of this principle, and were determined to try only the desperate experiment of repressing the voice of public opinion—then he really and solemnly believed they would bring about a state of things in Ireland which might fitly be termed "the beginning of the end."

The SOLICITOR GENERAL begged to make an explanation. He had stated that there was a distinction drawn in the cases of "written words" and "spoken words," and this distinction was peculiar to the English law; but he had stated it was only so when the words alone constituted the offence, as in the distinction recognised between slander and libel; but in this case, where the offence showed a desire to incite persons to commit violence against any individual, or any set of individuals, the law and the constitution knew no distinction, because there the words spoken, and the words written, were only a different mode of ascertaining whether the person were guilty of the offence imputed, not in the words spoken, but in what was proved by the words spoken. It was impossible that his hon. and learned Friend could have understood the doctrine which was lad down by Foster. Now, if a person followed out a deliberate scheme to overturn the Government by force, and endeavoured to do so by spoken words, and by inducing persons to form a plan having that object in view by open and advised speaking, he contended that though there were nothing but the words spoken, that man was, according to authorities both ancient and modern, guilty of a deliberate act of treason, if his words showed that the person used a deliberate scheme to overturn the Government. [Mr. HORSMAN: The words must be used at a meeting.] A person could not speak at a meeting without at least one other person; and if he met with him, and concocted with that party a scheme to overturn the Government of the country, that was treason. He really believed this Bill would be a great improvement in the law of the country.

SIR R. PEEL said: Sir, I have hitherto given a cordial support to Her Majesty's Government during the progress of this Bill, and if I have marked that support by a silent vote, it has not been from a wish to disclaim any portion of the responsibility which attaches to those who support this measure, but because, believing it to be of importance that the Bill should, at as early a period as is consistent with its due consideration, receive the sanction of the Legislature, I was unwilling to protract the discussion by any superfluous speaking. But I am not willing to allow the Bill to leave this House without stating, in a more distinct and marked manner, my approval of its provisions. Sir, I shall make no reference to what may have passed at former periods. I believe the Government is justified in proposing this measure; and, believing them to be justified, I refer to public considerations alone in tendering them my cordial support. The Bill contemplates two objects: first, there is the reduction of several offences which have hitherto been characterised as treason, to the minor offence of felony; and the Bill also proposes, that for two years only, the compassing of certain things, namely, the intimidation of Parliament or of Her Majesty, by levying war—the compassing of those things, by open and advised speaking, shall subject to the penalties of felony. Sir, of the first part of this Bill I cordially approve. I think it right that men who have not the dignity of traitors should not be allowed to cover themselves with the illusion that they are traitors. I wish to see them reduced to the position of felons. I can make great allowance for those who, inspired by an ardent love of liberty, are ready to sacrifice their lives and fortunes under circumstances of great necessity, and when liberty is really in danger. I can feel great admiration for those who, in such a situation, are ready to set an example to others, and to engage with them in a common cause. But I have no sympathy, no respect, no admiration, for those who would involve the ignorant in the capital punishment of treason, and content themselves with escaping from all risk and all responsibility. I cannot conceive a more detestable character than that of him who, for the purpose of gratifying his personal vanity, or in the hope of having his name combined with splended names that are included in the category of traitors, urges on his miserable and degraded followers by his speeches or writings, but is not willing to share with them a common fate. I shall rejoice to see such men reduced, as they ought to be, to the condition of felons. Let those frogs which are croaking sedition remain in their marsh, and let them not puff themselves into the dignity of those nobler animals which bellow treason. I approve, therefore, of all that portion of the Bill which enables the Government to prosecute as felons those who are actuated by such motives, who entertain such designs, and who are felons. That some such there are, cannot, I apprehend, be questioned. I think it is impossible to look at the speeches which have been delivered in Dublin: I will not quote one of them—I will not give them the circulation or the importance which they would have by being quoted in this House, but they must be familiar to all who hear me—I say it is impossible to read those speeches without finding direct instructions as to the manufacture of pikes, and the manner in which they may be used. Such language has been used, both in that country and in some cases even in this; and its tendency, when addressed to an excited populace, cannot be doubted. But suppose the people to whom that language is used, followed the injunctions to arm, can we doubt that the consequences would be the loss of life, the suspension of industry, and the paralysis of commerce? And all for what? In many cases, I believe, for the mere purpose of gratifying the vanity of those who call themselves patriots. At the same time, Sir, I willingly admit that it is dangerous for us to be influenced in our legislation either by a panic when we are weak, or by natural feelings of indignation when we are strong. I have never been an advocate for departures from the constitution without the gravest necessity; and if I could really believe that this Bill deserved the character which has been attributed to it by an hon. and learned Gentleman, whose conduct in this House, as well as the ability with which he has always spoken, entitles him to great respect —I mean the hon. and learned Member for Oxford (Mr. W. P. Wood)—if I could really believe that for the first time during 500 years we are about to attach certain penalties and certain consequences to the offence of open and advised speaking, though I might even in that case be disposed to support the Bill—for my vote will be given from a deep sense of its necessity — still I might regret that the necessity impelled me to give my vote in favour of the measure. But I confess that it was with great surprise that I heard the hon. and learned Gentleman state, that it is perfectly new to the constitution of this country, as established for 500 years, to subject persons to very severe penalties for the offence of open and advised speaking. I know it has been usual to make a distinction between open and advised speaking and writing; and in this case you are not about to make the offence of writing or speaking for certain purposes subject to the penalties of treason: you are about to reduce it to the rank of felony. The question is, is there anything unconstitutional, unprecedented, or unjust, in substituting the offence constituted by this Bill, so far as it consists of open and advised speaking, for the previous offence, and subjecting him who commits it to the penalty of seven years' transportation as the smallest amount of punishment? I must say, that penalties equally severe have been applied to that offence, under the constitution and law of England, within the last 500 years. Offences connected with open and advised speaking have not, indeed, been made treason, but they have been subjected to penalties more severe than any which it is proposed to inflict under this Bill. What does the hon. and learned Gentleman say of the punishment to which this offence subjected persons under the 31st of Charles II.? To assert maliciously and advisedly—and in this case, also, I apprehend the speaking will be malicious — it will be speaking for a felonious purpose—to assert maliciously and advisedly, by speaking or writing, that either House of Parliament has a legislative authority without the King, was, by the 31st of Charles II., declared a *præmunire*. By the Statute 6 Anne, c. 7, to assert maliciously and directly, by preaching, teaching, or advised speaking, that any person, other than according to the Acts of Settlement and Union, hath any right to the Throne of these kingdoms, or that the King and Parliament cannot make laws to limit the descent of the Crown—such preaching, teaching or advised speaking, is a *præmunire*, as writing, printing, or publishing the same doctrines amounted, we may remember, to treason. There is, indeed, a distinction drawn between the case in which the overt act was writing, and the case in which it was speaking; but the penalties in the latter were those of *præmunire* —penalties very formidable in their nature, and not easily defined. On this point, however, I will read to the House the words of Mr. Justice Blackstone:—

> "Having thus inquired into the several species of *præmunire*, its punishment may be gathered from the foregoing statutes, which are thus shortly summed up by Sir Edward Coke: 'That from the conviction the defendant shall be out of the King's protection, and his lands and tenements, goods and chattels, forfeited to the King, and that his body shall remain in prison 'at the King's pleasure,' or as other authorities have it, 'during life,' both which amount to the same thing, as the King by his prerogative may at any time limit the whole or any part of the punishment, except in the case of transgressing the statute of Habeas Corpus.'"

Therefore for the offence of advised speaking, there were penalties which the law understood to imply the forfeiture of good and imprisonment for life. I cannot conceive any penalties more severe than those which were thus provided, namely, transportation for not less than seven years, or imprisonment thus defined. I cannot say that I think the penalties are more severe than those proposed; but I say here is abundant proof that at two different periods the offence of malicious and advised speaking, although contradistinguished from the offence of writing, and not made treason, yet were subjected to penalties at least as severe as those of the present Bill, under which the compassing of certain things by open and advised speaking is constituted felony. Now, the question is, whether, under the circumstances of the case, with the avowals which have been made, and with the influence of example in other countries, it is unreasonable and unjust that, for a limited period, he who, by malicious and advised speaking, shall try to induce the people of this kingdom to effect certain objects by levying war, shall be subject to the penalties of felony? I confess I think it is not. I say the language used, I say the congregation of immense masses liable to sudden excitement, can serve no other purpose which I can divine than that of intimidation. I draw a distinction between the mere assemblage—for that does not come within the provisions of this Bill—and that offence to which this Bill really refers; but I look upon the assemblage itself as a symptom of the excitement of the times; and although I may not be able to punish it by law—for it may not be advisable always to resort to law for the purpose of preventing such evils—yet I do think that the congregating of enormous masses under the pretext of presenting petitions, is a practice for which those who are the leaders of such an organisation are subject, if not to legal, yet to the highest moral responsibility. I cannot conceive for what purpose—certainly not for the purpose of encouraging the deliberate consideration of that for which they wish—I cannot conceive for what purpose those enormous assemblages, magnified by report far beyond their real amount, have been brought together, except that of intimidation. Sir, the hon. and learned Member for Nottingham (Mr. F. O'Connor), of whom I am always willing to speak with perfect good humour, has disclaimed all intention of intimidation, and has repudiated, I hope sincerely, the least design of creating confusion and disorder. But while I give the hon. and learned Gentleman full credit for sincerity, let me tell him that those who bring together 100,000 persons run a very great risk of creating disorders. Even the hon. and learned Gentleman's professions of loyalty do not altogether satisfy me. He says, " I am no party to this alleged intention. I deprecate the conduct of those who advise arming. I am only for peaceable and loyal means. As for establishing a republic, that I utterly disclaim. I have been for years an attached and faithful servant of the Crown; and as for " democratic institutions"—[Mr. O'Connor: Republican institutions.] I beg the hon. and learned Gentleman's pardon—" as for republican institutions, I disavow any desire for them." While the hon. and learned Gentleman, however, disclaimed such views, it is evident that his ardent attachment to monarchy had not risen to a very high point in the thermometer of loyalty; for I think the hon. Gentleman avowed that his loyalty is of such a description, that provided he can get democratic institutions, it is a matter of indifference to him whether Beelzebub were the sovereign of this country. This, Sir, I do most cordially wish, that when the hon. and learned Gentleman has got the sovereign of his choice, he will enjoy the confidence of the Crown. Does the hon. and learned Gentleman think that he can maintain his influence over these excited thousands and tens of thousands, whom he brings together, by professions of loyalty to his Sovereign? He is obliged to avow, not voluntarily, but, quoting his own words, that his loyalty consists in indifference "as to whether the Pope, the Pretender, or the Devil sit on the Throne?" Sir, believing time to be of great importance, I do not wish to enter into any lengthened discussion on this subject. In what I have read, and in what I have witnessed, within the last ten days, I think I see proof that there is good reason for an appeal to the Legislature to strengthen the hands of Her Majesty's Government with respect to one particular class of offences, the evidence of the existence of which meets our eyes at every moment. It is said, indeed, " Oh, it is not necessary to appeal to the Legislature for fresh powers; remember the magnificent demonstration which was made by the people of London." Yes, but tell those who made that magnificent demonstration that you are prepared to take your share of responsibility of maintaining the public peace. Tell those whose time is valuable, who made the severest sacrifices by the interruption of their industry, and by giving their personal exertions—tell them that you the Government, and you the Legislature, value the institutions of the country, and that you are determined to uphold them in all their leading principles and upon their ancient foundations; and then, far from being dissatisfied with what has occurred—those whose conduct you have admired will be encouraged to make a similar demonstration of spirit, and similar active exertions on a future occasion. The constitution of this country is strong enough to bear these temporary departures from the ordinary laws. You found it necessary to resort to such deviations at former periods; and when the extraordinary powers had ceased to exist, the constitution was restored in all its native freedom and strength. So will it be on this occasion. After the lapse of two years it will be in your power to consider whether you will continue the authority which this law gives, or permit it to expire; and if you take the latter course, I have not the slightest doubt that the constitution of this country will have been perfectly unblemished and unimpaired by the temporary exercise of this authority. In those times to which I have referred, the times of King Charles the Second and of Queen Anne, the danger to be provided for was successfully combated; and if you now act on the principle that treason and sedition may resort to new devices for the purpose of defying authority and subverting the constitution, and that you will not meet those new devices by new enactments suited to the times, then will you give treason and sedition an advantage of which the loyal people of this country may justly complain. Sir, I make no reference to the political events which are passing in another country. My firm belief is, that the security of every existing Government depends upon a rigid abstinence from any interference with what is going on in Paris. We all entertain our own opinions on that subject—I have mine; but I believe it to be essential to the peace of the world, and to the stability of Governments, that that experiment which is now being made in France shall have a fair trial, and not be embarrassed or disturbed by extrinsic intervention. But at the same time, when I look at the social principles which are professed, I must say, that I hope the working classes of this country will not be deluded by the doctrines which are held on subjects which intimately concern their labour and employment. If the doctrines there maintained be true—if there be, indeed, an antagonism between capital and labour—if it be true that all men, without reference to their different capabilities, their different degrees of strength, and their different capacities, ought to have the same iron formula applied to them—if, I say, these things be true, then all the experience and all the science of the last 150 years have existed in vain. Let us, in that case, burn the works of Turgot, of Say, and of Adam Smith, and let us establish in triumph the doctrines of the Mississippi scheme, and of that of Mr. Law, who is supposed to have involved France in misery and confusion. Let us calmly await the results of this experiment; let us see whether it be possible that excited Governments can become great manufacturers; let us see whether it be indeed true that you can force the employment of labour, compel a division of profits amongst employers and servants, and reduce all men, without reference to their habits, their strength, or their intelligence, to the receipt of the same amount of wages. For God's sake, give those social principles the same fair trial which you are about to accord to the political principles. But I do earnestly hope—I have that confidence in the good sense of the working classes in this country, which induces me to believe—that no false delusions as to a compulsory sharing of profits, no enmity directed against capital, no destruction of competition, no overbearing of individual energy by Government undertakings at the public expense, will in this country be considered for the benefit of the working classes, or as likely, if they prevailed, to be attended with any other result than the fatal one of involving them in misery and ruin. Sir, I will not say more upon the political question; but it would be a shameful suppression of the truth if we did not arrogate to ourselves so much liberty of speech as to predict fatal consequences as the result of those social experiments which are in progress in another country. Sir, I have been diverted for a short time from the immediate question before the House. I believe there are good political grounds for this temporary increase of the authority of the Government. I will not attempt to force upon the Executive Government any powers which they do not require. All that I have now to deal with is the question whether, for two years, he who incites people to intimidate the Legislature, not by words, but by words exciting to levy war, shall be subject to the penalties which are attached to felony. I think that the circumstances of the times justify the demand; I believe that by the passing of this Bill, the people of this country will be encouraged to the continuance of those exertions upon which, and not upon the police, and not upon the Army, the tranquillity and safety of the country depend.

Mr. BRIGHT reminded the House that much good had been effected in the Bill by the full discussion and canvassing it had received, for, instead of being made perpetual, it was only passed for two years, which was a great matter, considering that it affected all parties in this country so seriously in periods of political excitement. This decided improvement would not have been effected if it were not for the determined opposition of forty or fifty Members sitting on this side of the House. He had heard with much pleasure the remarks of the right hon. Baronet upon the social questions which agitated a neighbouring country, and even to some extent this country. He thought nothing could be more fatal than the prevalence of such opinions; but let the House beware that they had not themselves originated the germ of those opinions, which, if diffused and entertained, would become pestilential and dangerous to the peace of this country. They were all agreed that meetings and processions such as those recently contemplated were injurious, and likely to cause serious disturbances of the public peace; but let them not be blind to the causes which produced those assemblages. The experience of the right hon. Baronet ought to have taught him how unavoidable such demonstrations were whilst the causes of discontent existed. Twenty years ago the right hon. Baronet consented to Catholic Emancipation when the Duke of Wellington declared that the alternative was civil war in Ireland. That measure had been demanded for years, but Parliament turned a deaf ear to the supplications of the people; and it was only when that demand assumed the shape of terror that it was yielded to. In the same manner the demand for reform had been made by a large majority of the people of this country. For many years that question had been agitated in this country; but the demands of the people were for a long time unheeded, and the noble Lord now at the head of the Government repeatedly brought the question before the House without success. The noble Lord triumphed when violence was threatened, and he trusted that he would live to effect still further reforms in the representation of the country and the constitution of that House. The same might be said of Canada, in which the wishes of the people were not gratified until after an insurrection, when they were all complied with. The repeal of the corn laws was another instance. For thirty years there was a party in the country asking the House to abolish those laws—the corn laws; but it was only when they tried a powerful and well-directed organisation—it was only when the political influence of a class which had always been most powerful in this House, was about to be wrested from them, and when famine was almost upon their thresholds—that Parliament consented to the wish of the people—to do that which he felt sure every Member in that House would now say was a great and a beneficial piece of legislation. ["No, no!"] Well, he would not stop to argue that question now, but thought that but for the convulsions which had occurred in foreign countries its effects upon the improvements of trade would have been manifest to all. Whilst they passed measures for the suppression of violence, they ought to be very careful that they introduced such measures of amelioration as would remove all just causes of complaint. He lived in a part of the country the most densely peopled, and where the working classes preponderated; but he knew well that those communist principles to which the right hon. Baronet had alluded found no countenance there. He had seen greater suffering there during the last eighteen months than had ever before existed there, and yet there had not been a single breach of the peace. The demonstration in favour of peace and order in Manchester was not to be surpassed, even by that of London. But he could assure the House that, whilst there was this determination and disposition to preserve order among the working classes, they would not take up either arms or truncheons against the free utterance of public opinion. If the manufacturers of Lancashire could come in a body to the bar of that House, he knew they would bear high testimony to the good conduct of that class of people amongst whom they lived. He thought that the time had now come for extending the pale of the constitution of which they boasted so much. The 800,000 electors of the country formed a kind of garrison, but it was surrounded by 5,000,000 persons, who required to be admitted within its bounds, and who, if admitted, would tend considerably to strengthen and support that constitution which was so highly prized not only in this but in other countries. He admitted the excellence of the constitution; but it was only a mere theory to the great body of people in this country, for the benefits it admitted of were not enjoyed by them; and that constitution would be strengthened to an extraordinary degree by admitting a large number of people to participate in its privileges and partake of its advantages.

Lord JOHN RUSSELL said: Sir, after the protracted discussion which this measure has undergone, and having regard to the part which I have taken in various stages of it, I do not think it will be necessary for me to do more than advert to a few of the observations which have been made in the course of this day's debate. It appears to me, in the first place, extravagant to suppose that without alterations in the law from time to time we can secure those elements of peace and order which it is the bounden duty of the Legislature and of the Executive as far as possible to maintain. The law of Edward III., though an excellent law of treason for those times, of course did not provide for those cases of publication, or of speeches at public meetings, which we now contemplate, any more than the Legislature of that day thought of providing for the case of gas companies or of railway enterprise. These are things which have grown up with the spread of civilisation; and just as civilisation makes progress, and as new modes of overturning the Government of the country are resorted to, to the same extent, and in the same proportion, must the Legislature be prepared to meet the various evils which arise. Sir, I will not now enter into the question which has been debated with respect to words; but with regard to the alteration to which we have consented in making the Bill temporary, after we had proposed that it should be permanent, I am prepared to declare that I think it of infinite value that any measure which passes the House at the present time should combine the advantages of being effectual for its purpose, and of obtaining the concurrence of moderate men, perhaps over-afraid of any infringement of liberty, yet unwilling to deny to the Government those powers which are necessary. My belief is that we have proposed what will be a permanent improvement in the law; and I trust that when Parliament shall hereafter consider the matter, they will be disposed to adopt the Bill as a part of our permanent legislation; but when I found so many Members on this side of the House, who have almost uniformly supported the Government, declaring that while they were ready to give every power necessary for a temporary purpose, they doubted whether such powers as these should form part of our permanent legislation, I did not think that any majority which we might obtain—and I believe we should have had nearly as great a majority if we had persisted in proposing that the Bill should be permanent—would be a compensation for violently opposing the opinion of those Gentlemen, when all that was required for present purposes could be obtained with their concurrence. I am not afraid, therefore, of being accused of a want of courage or of consistency in consenting to that alteration. I only say now, that I did not consent to it from a conviction that the Bill would not effect a wise permanent alteration in the law. I adopted the alteration on the same principle that many other alterations have been adopted, that of conceding to an expression of opinion; but, conceiving the Bill to be necessary for the emergency of the times, and that being admitted, it is a separate consideration whether it shall form part of our permanent legislation. Sir, I must confess that one reason for proposing this alteration at the present time was not merely that it is desirable to reduce many of these treasons to felony, or to make other changes in the law. It did appear to us that the Government was not armed with sufficient power to meet a peculiar kind of machination against the Throne and the Government of this realm. In making any alteration of this kind in the law, you have to steer between two great dangers. If you leave treason and sedition to take their course unchecked, not only do you expose the constitution and the Government of the country to the greatest peril, but you incur the risk that for weeks and months together the minds of the working classes will be disturbed, that the peaceable occupations of trade and industry will be interrupted—and that discontent will grow up from the very absence of that peace and order which are necessary to the progress of such occupations. If, on the other hand, in adopting such alterations as we propose, you exceed that which is necessary for the occasion; if you at all interrupt the course of frse discussion, whether in public meetings or by the press, you incur another and perhaps a greater danger, though in an opposite direction: you increase the discontent which you wish to meet—you send that discontent into other channels, and you at length find that so far from having secured peace and order, you have greatly endangered them. Sir, in the measure which we have brought forward, we have endeavoured—and in any future measures that will also be our aim—to avoid both these dangers. I believe that this Bill will tend much to the security of the peace of the kingdom; I believe that that instance which the hon, Gentleman the Member for Nottingham has given to-day of one who, after being very brave in his language with respect to insurrections, and pikes, and daggers, and guns, found that he had a bad rheumatism and could not venture to leave his home, will not be a solitary one; such instances will not be uncommon, if it be only shown that punishment must follow the excitement and pastime of provoking others to treason. There is not, I think, the slightest danger to freedom of public discussion in any part of this kingdom. I really believe that there is hardly any hon. Member of this House who apprehends that freedom of discussion will be at all interfered with if this Bill should pass into a law. I do not believe that any man, either in this country or in Ireland, who wishes by peaceable means to promote what he believes would be improvements in the state of the law, or to secure or redress grievances under which he suffers, will be in the smallest degree debarred from stating his complaints; and that, too, in very warm and strong language. I think he may trust safely to the Legislature, to the Government, to the Judges, and to the juries of this country, that he will not incur any danger by a peaceable and honest expression of his opinions. But, Sir, I cannot shut my eyes to the language which has been used—language which I will not quote any more than the right hon. Gentleman opposite, but of which specimens, in a mitigated shape, may be seen in the newspapers of this morning. The language used in Dublin is evidently intended to incite the people to use arms, for it is actually declared that if a separate Parliament in Ireland be not granted by a Legislative Act, it should be obtained by the pikes and guns of those who are urged to arm for that purpose. It is impossible not to feel that in the distressed condition of a great portion of the people of Ireland, such exciting language may have a dreadful effect—that outrage and insurrection may in some parts of the country be the consequences. No doubt if insurrection occurs, it will be put down; for the Government has means of suppression at its disposal in the loyalty and affection of the great body of the people, and in the use of an army whose loyalty has been belied most foully in various ways, by reports made at public meetings, and even by rumours mentioned in this House, utterly void of foundation. I repeat that the Government has the means of putting down any outrage or insurrection; but as we feel that in this country the course of peaceful industry would be disturbed by any such event, and that the working classes would be the first sufferers, so likewise do we feel that the people of Ireland would immediately be great sufferers if peace and tranquillity were not maintained in that country. Sir, I have been told this day, as I have indeed, frequently, on former occasions, that it is not merely to measures of coercion that we should have recourse, but that we ought likewise to resort to remedial measures. I think that that reproach, so far at least as it has respect to the last Session of Parliament, was somewhat unseasonable, because, in fact, during the last year the sufferings of Ireland were so intense, and required such an immediate remedy, that the greater part of the last Session was taken up with the discussion of the measures immediately required, on account of the prevailing famine. I really beg the House—at least that portion of the House which makes this reproach—to consider for a moment how justly we should have been blamed if, when the Irish people were daily falling victims to the appalling famine of 1847, we had come down to the House, and said, "We have here a Bill to extend the franchises of the people of Ireland—the ability of voting for Members of Parliament. We have another Bill for the purpose of making their corporations similar to those of England; they want an extension of political privileges, and we will postpone all consideration of the famine until these Bills shall have been passed." Sir, I am not averse to entertaining those subjects, and immediately after Easter we shall proceed to the questions which relate to the political rights of the Irish people. There are, however, measures to which I have alluded on former occasions which must come under the consideration of the House. I must now advert for a moment to the grievances which are stated as grounds for asking the people of Ireland to resort to arms. We were asked the other day to consent to the repeal of the Union. Now, Sir, in looking over the acts and discussions of the Parliament of Ireland — that Parliament the revival of which has been spoken of as that which is to give happiness to Ireland—I find that some of the most distinguished men in that country, having at their head Mr. Grattan—a name never to be mentioned without honour — repeatedly stated in the Irish Parliament that the whole government of the country was carried on by corruption; that almost, if not quite, a majority of the Members of Parliament received pensions during pleasure, and salaries from the Crown; that peerages were sold; that the whole Government, in short, was a mass of slavishness and of false suffrages used in its support. I find that Mr. Grattan likewise declared—what, indeed, is a well-known fact—that the suffrages of Irishmen generally were so restricted that

Members were returned by constituencies consisting of ten persons in one borough, and of twelve in another, and that a reform in Parliament was absolutely necessary. I find also that he mentioned, and enforced with great eloquence—he had, indeed, amazing vigour in stating details—that the mode of levying tithes, which were collected, he said, by a "subornation of vultures," was a dreadful grievance to every farmer and every peasant in the country; and he further urged, that a great proportion of the people of Ireland, namely, those who professed the Roman Catholic religion, were debarred from exercising the privileges which the Protestant subjects of the King enjoyed. Now, Sir, let us consider for a moment what these grievances were, as stated by the most able and eloquent of the patriots of Ireland, and what the Parliament of the United Kingdom has done to remove them. With regard to peerages and pensions, no such abuse as Mr. Grattan then stated now exists. No one will say that in this particular there is anything similar to that which he then stated, whether justly or not, as a grievance existing in Ireland. With respect to tithes, the tithe question has been settled—settled in such a manner that it is no longer a grievance either to the peasant or to the farmer. With respect to the reform of Parliament, that question likewise has been carried in the United Parliament. With respect to Catholic relief—the admission of all Roman Catholics to the privileges of the constitution—that question also has been carried in the United Parliament. Why, then, we have at least this presumption, that those grievances which were stated as the greatest grievances in the Parliament of Ireland have been redressed, and redressed by the votes of the Parliament of the United Kingdom. But, Sir, if that be the case—if those grievances have been redressed by the United Parliament—if, as I believe to be the case, the Parliament of the United Kingdom is able to legislate for Ireland more advantageously than the subjects of Ireland, with less chance of a hostile collision with this country—with less chance of discord among various classes than the Parliament of Ireland could do—then, I say, apart from all imperial interests, we are bound to withstand all those Motions, in whatever form they may appear, which have the repeal of the Union for their object. For my own part, I shall be ready, when we are not able to bring forward Motions, to pay attention to Motions which may tend, in the opinion of others, to the advantage of that part of the United Kingdom. To any proposition which shall be supported by the great body of the Irish Members, to improve the laws of their country, as, for example, with respect to the relative position of landlord and tenant; or to remove any social or political grievance under which the Irish people may be supposed to labour—to any such proposition I shall be disposed to listen whenever they choose to discuss it in Parliament, and to deal with it by argument; but if, on the contrary, by inciting the people to use arms, they oblige us to take measures of force by force, if necessary, I will, as long as I have any breath or life in me, oppose the repeal of the legislative Union.

The House divided on the question that the word "now" stand part of the question:—Ayes 295; Noes 40: Majority 255.

List of the Ayes.

Abdy, T. N.
Acland, Sir T. D.
Adair, R. A. S.
Adderley, C. B.
Alcock, T.
Anson, hon. Col.
Anson, Visct.
Anstey, T. C.
Arkwright, G.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagot, hon. W.
Bagshaw, J.
Baldock, E. H.
Baring, rt. hn. Sir F. T.
Barnard, E. G.
Bateson, T.
Beckett, W.
Bellew, R. M.
Benbow, J.
Benett, J.
Bentinck, Lord H.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernard, Visct.
Birch, Sir T. B.
Blackstone, W. S.
Blakemore, R.
Bolling, W.
Bourke, R. S.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Bremridge, R.
Broadley, H.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bruce, Lord E.
Buller, Sir J. Y.
Bunbury, W. M.
Bunbury, E. H.
Busfeild, W.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Castlereagh, Visct.
Cavendish, hon. C. C.
Cayley, E. S.
Chaplin, W. J.
Chichester, Lord J. L.
Childers, J. W.
Cholmeley, Sir M.
Christy, S.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Clive, H. B.
Cocks, T. S.
Codrington, Sir W.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Coles, H. B.
Colvile, C. R.
Corry, rt. hon. H. L.
Courtenay, Lord
Cowan, C.
Craig, W. G.
Cripps, W.
Curteis, H. M.
Davies, D. A. S.
Dawson, hon. T. V.
Dod, J. W.
Dodd, G.
Douro, Marq. of
Drumlanrig, Visct.
Drummond, H.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, Adm.
Dundas, Sir D.

Dundas, G.
Dunne, F. P.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
FitzPatrick, rt. hn. J. W.
Foley, J. H. H.
Forester, hon. G. C. W.
Forster, M.
Fortescue, C.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Glyn, G. C.
Goddard, A. L.
Godson, R.
Gooch, E. S.
Gordon, Adm.
Gore, W. R. O.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Haggitt, F. R.
Halford, Sir H.
Hall, Col.
Hallyburton, Ld. J. F. G.
Hamilton, G. A.
Harris, hon. Capt.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayes, Sir E.
Hayter, W. G.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heathcote, Sir W.
Henley, J. W.
Herries, rt. hon. J. C.
Heywood, J.
Hildyard, T. B. T.
Hill, Lord E.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hogg, Sir J. W.
Hollond, R.
Hood, Sir A.
Hope, H. T.
Hope, A.
Hornby, J.
Horsman, E.
Hotham, Lord
Houldsworth, T.
Howard, hon. C. W. G.
Humphery, Aldm.
Hutt, W.
Ingestre, Visct.
Inglis, Sir R. H.
Jervis, Sir J.
Johnstone, Sir J.
Jones, Sir W.
Jones, Capt.
Keppell, hon. G. T.
Ker, R.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Lascelles, hon. W. S.
Law, hon. C. E.
Lennard, T. B.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Loch, J.
Loche, J.
Lockhart, A. E.
Long, W.
Lygon, hon. Gen.
Macnaghten, Sir E.
Macnamara, Maj.
M'Neill, D.
March, Earl of
Martin, C. W.
Masterman, J.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Maunsell, T. P.
Maxwell, hon. J. P.
Melgund, Visct.
Mitchell, T. A.
Monsell, W.
Morgan, O.
Morpeth, Visct.
Morison, Gen.
Morris, D.
Mulgrave, Earl of
Mundy, E. M.
Mure, Col.
Noel, hon. G. J.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, Sir L.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Ossulston, Lord
Oswald, A.
Owen, Sir J.
Packe, C. W.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Pennant, hon. Col.
Perfect, R.
Peto, S. M.
Philips, Sir G. R.
Pigott, F.
Pinney, W.
Plowden, W. H. C.
Powell, Col.
Prime, R.
Pugh, D.
Rawdon, Col.
Reid, Col.
Rendlesham, Lord
Repton, G. W. J.
Ricardo, O.
Rich, H.
Robinson, G. R.
Romilly, J.
Rufford, F.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Sandars, G.
Scott, hon. F.
Seaham, Visct.
Seymer, H. K.
Seymour, Sir H.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Shirley, E. J.
Sibthorp, Col.
Simeon, J.
Smith, J. A.
Smith, M. T.
Smyth, J. G.
Somerset, Capt.
Somerton, Visct.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, Lord J.
Sturt, H. G.
Talbot, C. R. M.
Talfourd, Serj.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Tollemache, hon. F. J.
Tollemache, J.
Towneley, C.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Trevor, hon. G. R.
Turner, E.
Tynte, Col. C. J. K.
Tyrell, Sir J. T.
Vane, Lord H.
Verner, Sir W.
Wall, C. B.
Walpole, S. H.
Ward, H. G.
Watkins, Col.
Wellesley, Lord C.
Westhead, J. P.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Adair, H. E.
Blake, M. J.
Bowring, Dr.
Clay, J.
Cobden, R.
Crawford, W. S.
Devereux, J. T.
Duncan, G.
Evans, J.
Fox, R. M.
Fox, W. J.
Gardner, R.
Greene, J.
Henry, A.
Hindley, C.
Jackson, W.
Keating, R.
Kershaw, J.
Lushington, C.
Magan, W. H.
Martin, S.
Molesworth, Sir W.
Mowatt, F.
Muntz, G. F.
O'Connor, F.
Pechell, Capt.
Pilkington, J.
Reynolds, J.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Scully, F.
Smith, J. B.
Sullivan, M.
Thompson, Col.
Thompson, G.
Trelawny, J. S.
Walmsley, Sir J.
Williams, J.
Wood, W. P.

TELLERS.

Hume, J.
Bright, J.

Bill passed.

HORSHAM—NEW WRIT.

MR. STAFFORD moved—

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Horsham, in the room of John Jervis, Esq., whose Election has been determined to be void."

MR. HUME expressed his surprise at this Motion, considering the Bill of the noble Lord the Member for London was on the table of the House, with a view of further inquiry, into the case of the alleged corruption at Horsham. He trusted this Motion would not, under the circumstances, and seeing the course that had been pursued in some other cases, be persevered in.

Mr. STAFFORD said, that the opposition which it now appeared was to be offered to the Motion, rendered it necessary that he should let the House see clearly the way in which this borough stood. Every borough was entitled to a fair and candid hearing before the exercise of its franchise was interrupted; and it would be idle to disguise from the House that the question now raised on every occasion of a Motion for a new writ was one of great and increasing importance, both with themselves and the country. After the course the House had taken, and the Acts they had passed, and the proceedings of their Election Committees, he felt that they ought not to separate, even for so short a period as the Easter recess, without taking a subject of so much importance into their serious consideration. The hon. Member then proceeded to refer, at great length, to the evidence taken before the Horsham Election Committee. He found, he said, that when Mr. Hill was proceeding to open the case of the petitioners, Mr. Serjeant Wrangham got up, and said that, on the part of the sitting Member, it had been agreed to give up the case, and that the election should be held null and void; and two witnesses were then called in to prove, *pro formâ*, a case of treating against the borough. For the small offences they had before them in this evidence, it was now proposed to suspend this writ; but some curious rumours had got abroad on the subject of the Horsham election; and in consequence of those rumours, he presumed, and the extraordinary zeal the House had of late shown in regard to election matters, and in instituting inquiries in various cases, a Bill had been brought in by the noble Lord the Member for London, the preamble of which, among other things, alleged that, as the charges of bribery contained in the petition against the late Member had not been prosecuted, it was desirable to institute inquiry as to whether such bribery had taken place or not, &c. But the Committee had made no report on the subject of bribery; and he must say that he had always understood that if there was one thing more than another for which they ought to stand up in that House, it was the reports of their Committees. Under such circumstances, however corrupt the borough of Horsham might be, it would still partake of the character of an *ex post facto* law if they were to suspend the writ on the present occasion. How had the House acted in the cases of other boroughs? In the instance of Kinsale, they had issued the writ without the slightest hesitation—though in that case there were three as strong reasons as possible upon the face of the evidence why inquiry should have taken place before they did so. The hon. Member here read some extracts from the evidence taken before the Kinsale Committee, with a view of showing how great had been the iniquity of the practices in that borough as compared with what had been proved in the case of Horsham. The House had issued a writ for Kinsale immediately after the election had been declared null; and he was not ashamed to say that he was the person who had moved that writ, because if a tribunal was once constituted, the best course was to abide by its decisions. If the House, after reading the evidence, should disagree with the opinions of these Committees, it might be a reason for reconsidering the law; but while the Committees acted, the most just and proper course was to stand by their verdicts. Let constituencies know, that with respect to bribery, as in the case of any other offence, they were to be tried by the law as it stood, and not by the law that might be about to be passed. The only principle that had been adhered to in these cases during the whole of this Parliament, was, that while the upper classes had been punished—often unjustly—and while it was proposed to punish the poor man who had been bribed, Members had never had the courage or consistency to approach the real authors and instigators of this corruption, and who were of the middle classes—the lawyers and upper shopkeepers of the towns in which these practices prevailed. Members had not done this, because they all shrank from it in their several localities. The middle classes in these boroughs were the tempters of the poor; it was they who were most guilty, and it was upon them that the punishment should fall. When all these proceedings were generally known, the people would little sympathise with the congratulations of the right hon. Baronet as to the favourable impression that had lately been made upon the public mind, or with the sentiments of those who would tinker up the present system, instead of striking at the root of the evil. While the House should in every case stand by the decisions of the Committees, it should at the same time take advantage of their proceedings, by studying the reports and evidence, and at the earliest possible moment bring in a measure which should grapple with the entire evil, without oppressing particular constituencies, or drawing distinctions between small and large boroughs. Personally he knew nothing of Horsham; he had never been in the place, and was acquainted with no person residing there, but he had taken the matter up because it was, he thought, desirable that the House, before separating for Easter, should consider the subject. He did not wish to evade or oppose the Bill of the noble Lord; but, as the House had issued writs to boroughs far more guilty than Horsham—as the Committee had made no special report—and as the preamble of the Bill assumed it to be a moot question whether or not bribery existed in this borough—he appealed to the House to issue this writ as an act of common justice, and not because he desired to defend corruption, or patronise pocket boroughs.

Mr. AGLIONBY said, that one case after another had been brought before him in which there was *primâ facie* evidence of the existence of a far greater amount of corruption than appeared on the face of the evidence; and he, for one, pledged himself to hunt down corruption whenever he had the opportunity. When hon. Gentlemen talked of preserving consistency in their proceedings, it should be remembered that the other day a writ was suspended in the case of Derby. There was here a *primâ facie* case for further inquiry; and having yesterday voted against the issuing of a writ for Derby, he should feel ashamed of himself were he now to show any favour to Horsham. He called upon the Government to second the House in its effort to maintain its credit with the country; and the fair and proper course to take was to include all these flagrant cases in the one Committee of Inquiry.

Mr. FITZROY represented a place (Lewes) in the neighbourhood of Horsham, and he thought it would be taxing human nature too much to expect that a constituency would exercise its privileges honourably and independently, if, within a few miles from them, there was allowed to prevail a system of the most undisguised corruption. It was not to be supposed that the Bill introduced by the noble Lord (Lord J. Russell) with reference to Horsham was a mere matter of form; and if it were not, it was a monstrous proposition to ask the House, in the face of the inquiry which was to be instituted, to issue a writ, and so defeat the only object which they could have in view in undertaking the investigation. The House would also be guilty of the most palpable inconsistency in proceeding to-day upon a principle which they had negatived yesterday in refusing the writ for Derby. The public would give them no credit for sincerity if they did not now reject the Motion of the hon. Member for Northamptonshire.

Viscount COURTENAY, as Chairman of the Committee upon the Horsham election, desired to explain the circumstances of the case. As far as the charge of treating was concerned, the Committee considered that they were in a position to come to a decision; but they did not think that the evidence before them was sufficient to justify them to make a special report to the House upon the case. They had the agents of the sitting Members examined, and the Committee were unanimously of opinion that nothing had appeared in evidence to justify them in the belief that the course adopted by the parties was the result of a corrupt compromise. The Committee therefore left it to the pleasure of the House to adopt what course might seem the most advisable. Had the issuing of the writ been moved for before the notice of the noble Lord, he would certainly have voted for it; but now the circumstances were materially changed, and he should now vote against the Motion of the hon. Member for Northampton.

Lord J. RUSSELL: The House having come to a decision yesterday to suspend the writ for the borough of Derby, and it being proposed that a Commission should issue to inquire into all these cases, I would advise the House now not to issue any of these writs. With regard to the Bill which I have brought in, I propose that that should stand over in order that we may see the Bill of the hon. Member (Sir J. Hanmer); and if the Commission which he proposes will include Horsham, I am inclined to think that that may be the most desirable course of investigating the matter.

Sir J. HANMER said, that he would at once, by way of Amendment to the Motion of the hon. Member for Northamptonshire, move for leave to bring in a Bill to appoint Commissioners to inquire into the existence of corrupt practices at elections for certain boroughs. He proposed to follow the precedent of the Sudbury case, adding only a clause to give the Bill a permanent application, so that the House might, as cases arose, bring its provisions into force by a resolution of the House.

The EARL of LINCOLN observed, that he had only one single word to say, in consequence of what had fallen from the noble Lord at the head of the Government. He had understood the noble Lord to say that the hon. Gentleman the Member for Flint would include Horsham in the Bill of which he had given notice. Now he thought that this was a most questionable proceeding. In the cases of Yarmouth and Derby special reports had been presented, calling the attention of the House to a systematic course of bribery and treating in those boroughs; but no such proceedings had taken place with respect to Horsham. He thought, therefore, that Horsham ought not to be included in the Bill of the hon. Baronet the Member for Flint. He requested the noble Lord at the head of the Government not to withdraw his Bill until that of the hon. Baronet had been brought before the House.

Original Motion negatived.

Amendment agreed to.

Bill to appoint Commissioners to inquire into corrupt practices at elections ordered to be brought in.

House adjourned at a quarter to Eight o'clock.

HOUSE OF LORDS,

Wednesday, April 19, 1848.

MINUTES.] *Took the Oaths.*—The Viscount Exmouth.

PUBLIC BILLS.—1ª Exchequer Bills; Public Works Completion (Ireland).

2ª Crown and Government Security.

3ª and passed :—Election Recognisances.

PETITIONS PRESENTED. From the Members of various Lodges of the Independent Order of Odd Fellows, Manchester Unity, for an Extension of the Privileges of the Benefit Societies Act to that Order.

CROWN AND GOVERNMENT SECURITY BILL.

The LORD CHANCELLOR, in moving the Second Reading of the Crown and Government Security Bill, said, it frequently happened, when Parliament was called upon to make provision for the preservation of the public peace, that the Government was in possession of materials and information which were not before the public, which it was necessary to communicate to the Legislature, in order to lay the grounds for any application being made for an alteration in the law. It unfortunately, however, happened at the present moment that this was not the case, and that the information before the public was amply sufficient to induce their Lordships to come to the conclusion that what was now going on ought not to be permitted to continue, and that there ought to be means placed in the hands of the Government for the purpose of preventing those continual attempts at disturbing the peace which had recently taken place, not only in the metropolis, but in every other part of the United Kingdom. When meetings were daily held, not only in London and Dublin, but in most of the manufacturing towns, where inflammatory speeches were made, the professed object of which was to array the people against the constituted authorities of these realms, it was high time, if the law was not adequate to repress these evils, that Parliament should interfere to provide means by which their recurrence might be prevented. Beyond all doubt that which was now taking place, being illegal, might be the subject of criminal prosecution. It happened, however, that the state of the law was not adequate to meet the evil as it was now found to exist; but by one alteration in the law he apprehended there would be no difficulty in putting an end to scenes which were so disgraceful to the country, which tended to disturb the public peace, and lead to criminal proceedings against those who unfortunately attended those meetings, for whose welfare the orators who addressed them seemed to have very little regard. It generally happened — and certainly it did in this particular case — that where a necessity arose in any degree for enlarging the efficiency of the criminal law, the necessity arose from the acts of those who professed themselves the friends of liberty, and of that license which was permitted by our constitution within proper bounds — who professed to be the friends of the people, and of that liberty which their acts made it imperative upon Parliament in some degree to restrain. Their Lordships had seen enough in the present state of the country to feel an anxious desire that that state should not continue; and if they concurred in opinion with him that means should be taken to prevent those scenes and repress those harangues which were calculated to promote so much mischief, he might shortly explain the present state of the law, and the remedies proposed to be provided for its defects by the present Bill. Their Lordships were aware that according to the old statute of treason, that of Edward III., there were two great branches of treason, which were the foundation of all the subsequent statutes. Those great branches were, first, the imagining or contriving the death of the Sovereign; and the other, levying war against the Sovereign. The first of these offences, consisting in the act of the mind, in the intention or the design entertained, could, of course, only be established by some overt act to show that such an intent existed, or such a design entertained. In the case of levying war, however, the provisions of the statute were different. It was not the intention of levying war—not having a design for the purpose—but the act of levying war, which constituted the treason. On various occasions, according to the exigencies of the times, and the dangers to be guarded against, particular Acts had been passed. Some, now gone by, provided different means of guarding against the dangers of any particular treason. Among other provisions of that sort, there was the Statute of 36 George III., passed in the year 1796. It was found that the law which previously existed was not adequate to meet the then state of the country. Accordingly, that Act was passed, which took up a variety of Acts that might well under the previous law be considered overt acts of treason, but which did not of themselves constitute treason. For instance, inciting foreigners to come over to this country; inciting parties to go armed for the purpose of intimidation; attempts to intimidate either Government or the Parliament—various acts of that sort, which did not constitute treason, but which might, under the former Acts, be considered an act of treason against the person of the Sovereign, were made substantive acts of treason; and a party found guilty of intent to commit those acts, evidenced by an overt act, was subjected to the penalties of high treason. This Act was passed to continue during the reign of George III. During the Regency another Act was passed—the 57th George III.—the object of which was to continue certain provisions of the former Act during the life of the Prince Regent, and to make others permanent. The first Act—the 36th George III.—being passed before the Union, and the second subsequently to it, a question might arise whether the 57th George III. did or did not extend the provisions of the Act 36 George III. to Ireland. The provisions of the Act 36 George III. made these offences actual treason. Many of them were of the gravest character; others, according to the circumstances, either constituted treason or an offence of a much lighter nature. Their Lordships were well aware that great delay occasionally occurred in prosecutions for high treason, and that those guilty of that offence had at least the certainty of considerable time elapsing before they could be brought to trial. It was proposed by this Bill first to alter the law in so far as those offences were made treason, and to make them felony, by which a party would be tried in the ordinary way in which other parties charged with felony were tried. In that respect it was a mitigation of the law, because it would make them guilty only of the minor offence. Another object of the Bill, which he thought would be considered free from objection, was that it included Ireland—that it would remove any doubt as to whether Ireland was or was not included in the Act 57 George III. It was therefore proposed, first, to make the offences felony which were treason under the former Act, and next to extend the law so altered, to Ireland. Extended as the law was proposed to be to Ireland, he did not apprehend their Lordships would feel this was the time when such a provision was objectionable. The alterations from the Act 36 George III. consisted mainly in the introduction, in the 3rd Clause, of the words "open and advised speaking," which would guard against the real evil which Parliament was now asked to prevent. It had been supposed elsewhere—and he himself had heard it objected—that the insertion of these words was introducing a new principle into the law. He was very much astonished at any such opinion, particularly when, as he had been informed, it had been expressed by Gentlemen who, if they had taken the trouble to refresh their recollections, must have known that it was not correct. The error must have arisen from the fact that under the Act of Edward III. it was held that you could not indict a party for treason for mere words, for words *simpliciter*. If a man said, "I will make my son heir to the Crown," in a certain sense, and coming from a certain quarter, that might be treason; but if it turned out that the expression was used by the master of the Crown inn, then no such intention could be inferred. It must be left to the jury to decide whether the words used were "open and advised speaking;" and it could not be supposed that hasty loose expressions, used without any deliberate purpose of treason, constituted treason. It was no part of our law, however, that the crime of high treason might not be indicted upon words in connexion with overt acts. He was sorry to say again that very strong language had been used in different parts of the empire; and he was quite satisfied that if the law was not strong enough to prevent it, some law must be made for that purpose. With this view the present Bill was submitted to their Lordships' consideration; and he believed it would be effectual, because a party guilty of the offences he had referred to would be subjected to transportation for seven years, during which time he would have an opportunity of reflecting upon the folly of the course he had adopted; at all events, it would take away from the means of injuring the public, which he had hitherto been guilty of, and in that way an effectual stop would be put to the present proceedings.

Lord STANLEY did not intend to offer any opposition to the second reading of the Bill, or to throw any impediment in its way. With regard to its object, he had taken the liberty, a short time ago, of directing attention to the precise defect in the law, which left a wide gap between the treason punishable with death, and the inferior classes of sedition which could only be proceeded against as misdemeanours, and punished by fine or imprisonment. He therefore entirely concurred in the principle of the Bill, which remedied that defect in the law; and he thought the course taken of establishing an intermediate offence between treason, between an offence punishable by death, and an offence punishable only as a misdemeanour, was a substantial improvement. Both in this country and in Ireland language had been held, and other measures taken, to excite the people by a class of persons who aspired to the dignity of being treated as State criminals. They were not the parties, however, to be dealt with as State criminals, guilty of high treason upon the one hand, nor on the other hand ought they to be dealt with as simple misdemeanants. They were, therefore, very properly placed by this Bill in the degraded class of common felons; they were placed among the burglars and highway-robbers of the country; and they would be subjected to the same mode of prosecution and conviction, and to the same disgraceful punishments. At the same time, looking to the gravity of the case, and at the importance of the circumstances under which this alteration was proposed in the law, he should have been better pleased if their Lordships had not been called upon to decide, after hardly twenty-four hours' notice, upon the introduction of a permanent alteration in the law founded upon temporary considerations. The amendment of the law might be right and just; but he thought it was a matter of too great importance and too great weight to be so summarily disposed of as their Lordships were called upon to do with regard to this present Bill. If there were any question that the same law of treason was applicable to England and to Ireland, there could be no doubt but that the same law should be made applicable to all parts of the United Kingdom. Neither could it be doubted, if it were the case, that the law was more stringent in England than in Ireland; but that Ireland was not that portion of the United Kingdom which stood least in need of stringent and effective measures under this head. It might be very wise, and in accordance with the spirit of our legislation, though he thought that the present was hardly the precise moment to introduce such clauses, to mitigate the punishment for certain classes of high treason; yet he should confess that, looking to the circumstances of these times, he should have been better pleased if Her Majesty's Government had taken the course which indeed was provided for by the 7th Clause of this Bill, of retaining the power, while the offence of treason was still retained, of proceeding at their discretion for the minor offence, which was merged in the treason, and of indicting the party for felony. He confessed that he should rather see a general alteration of the law of treason made the subject of a more careful discussion than they could hope for in the passage of this Bill at the present moment, and that a power should be taken under this Bill by the Government of proceeding as for felony, though the higher offence of treason might still exist. He did not understand the distinction which was drawn by the Bill between compassing or imagining the restriction or restraint of the Sovereign, and compassing or imagining the deposition of the Sovereign. He could understand why compassing the death, or serious injury, or wounding of the Sovereign, should be still left subject to the punishment of death, and be indicted as high treason; but he could not understand on what ground compassing the deposition of the Sovereign should be made a minor offence, compared with the other varieties of treason still retained. He might be speaking in great ignorance of the law; but he should be glad to hear some explanation on this point from some of the noble and learned Lords present. Another point to which he wished to direct attention was this. He had doubts whether the Crown might not be subjected to difficulty in being obliged in all cases to prosecute for felony instead of for misdemeanour. He apprehended that as felony merged in the higher offence of treason, so misdemeanour merged in felony; and he apprehended that the Crown would often have some difficulty, especially in Ireland, if they were obliged to proceed as for felony in all cases in which, under the present law, they would proceed for misdemeanour. In cases of felony the prisoner had a right of peremptory challenge to a considerable extent; and he apprehended that in the class of offences for which the Crown would be obliged to proceed under this Bill in Ireland, cases might arise where there would be a great difficulty of procuring convictions from this cause. By making the offence felony, they took away the right on the part of the Crown of applying to have the case tried by a special jury; and they also gave the prisoner the advantage—and a great advantage it was in the present state of Ireland—of peremptory challenge, and of bringing the panel down to a lower class of jurors. It was not his intention to urge the adoption of any particular course with regard to these points on Her Majesty's Government, because on the Government must rest the responsibility of the details, as well as the responsibility of the principle of such a measure. On them, also, rested the farther responsibility — one which he deeply regretted — of having brought forward this measure at a time when an opinion was universally entertained, both in that House and in the other House of Parliament, that not a day nor an instant should be lost in applying an effective cure for the disorders both of this country and of Ireland, and thereby practically depriving their Lordships of the power of more practically and more deliberately considering any permanent alteration in so important a subject.

Lord BROUGHAM did not mean to offer any opposition to the passing of this Bill, which he thought was rendered quite necessary by the circumstances of the times; but he could not avoid mentioning some doubts which occurred to him upon some points of the Bill, with a view of directing the attention of Government to them. For instance, he doubted the distinction which seemed to be drawn between deposing the Sovereign from her title, and deposing her in substance from her dominions. In the next place, in this Bill the Government took a leaf out of the law of Scotland; but if, as he supposed would be the case, the Act were to be extended to Scotland, he wished to warn them of a serious alteration which it would involve. By the Scottish law a person indicted for felony had a right to a most important document—a list of the witnesses intended to be called against him; and if this Bill were to be extended to Scotland, it would take away for the first time that important principle of the law of Scotland. This Bill would deprive the prisoner of the list of the jury panel, and also the list of the witnesses; and he, for one, should be inclined to pause before extending such a principle to Scotland for the first time. Again, he thought that the statute, the 25th of Edward III., would clash with the third clause of this Bill. The impression on his mind was, that there were old cases in which compassing to depose had been held to be a compassing of the death of the Sovereign. He also objected to the words, "compassing to levy war on the Sovereign," not generally, but for a particular purpose. He thought that compassing to levy war on the Queen for any purpose was a substantive offence, and ought to be held to be a very grave offence; whereas by this Bill it was no offence unless the war were levied "in order, by force or constraint, to compel her to change her measures or counsels." As an instance of the kind of war that might be levied in Ireland, he would beg to direct their Lordships' attention to a letter which had lately appeared from a reverend clergyman addressed to Mr. Meagher "of the sword." As the gentleman might not be pleased unless his name were given, he would mention it—the letter was signed "James

Bermingham, P.P.," and contained this passage:—

> "When the day of your struggle shall come, when your liberties as well as your lives shall be invaded, then let it not be a turning out of two or three counties, but let Ireland rise to the contest as one man; and let every man, as he is about taking his position to perform this most glorious act of his life, make a vow to the following effect."

This reverend clergyman and minister of the Gospel of Peace not having, he supposed, read the Ten Commandments recently, goes on to give the words of the vow as follows:—

> "I vow before God and my country to lessen if I can, by one man at least, the enemies of my native land, and to die."

The passage then continued:—

> "When being thus prepared, and having made the foregoing vow, you are fairly committed to the combat, don't show yourselves to the enemy on the hill-side or on the plain; but take him from the dyke, the fence, the hedge-row, from the broken bridge, or the obstructed railway. Be sure you do all the mischief in your power—or all the good, I should say, for mischief is the good in this case—by all the means within your reach, and think not for one moment of living—'to do or die,' or 'to do and die,' be this your motto."

He brought this passage forward as an instance of the necessity which existed for such a measure as the present; but he thought that, to be efficient, it should, as he had repeatedly urged, give a power to the Government of imprisonment—temporarily, or for six months, if they wished—and also a power of searching for papers of the person arrested. By means of such a power alone could they hope to intimidate the wrong-doer, and drive conspiracy from the land. They might drive them from the field of conspiracy, of sedition, of levying war, of open and advised speaking; but what signified all that, if they could still go into a certain House of Parliament and there utter such language as he had alluded to a few evenings ago. And here he would close his observations by giving a salutary but not a superfluous warning to the press of this kingdom, and of the sister kingdom, that, though the rules of Parliament protected those who used seditious or treasonable words within the walls of the House of Commons, it did not protect them out of doors; and he who presumed to publish such seditious words became liable to be indicted under the Statute of Edward III., as well as under this Act. There was no doubt but that Parliament had certain privileges by which Members could protect themselves to any extent within doors; but let no newspaper reporter, let no newspaper editor, entertain the fond notion that whatever was said in Parliament he had a right to print—that it was not libellous, that it was not seditious, that it was not treasonable. There was no lawyer who could doubt the truth of what he was now saying. Though a Member was protected when he spoke treason or sedition, or libel in Parliament, there was no question but that he who, out of Parliament, printed what had been so spoken, even the Speaker himself, was just as liable to punishment as if he had no privilege, and that a man was as liable as if he himself invented the treason which he had published. He hoped and trusted that those who now printed the grossest slanders on the constitution, and the most treasonable and seditious speeches—some of them encouraging foreigners to invade this country, while others incited those who were treasonably disposed in these kingdoms to look for assistance from abroad—would recollect, that even though those who uttered such sentiments might not be punishable by law, they who promulgated those opinions were liable for them.

Lord CAMPBELL said, he admitted that this Bill did not reach the case of Mr. Smith O'Brien making a treasonable speech in the Commons' House of Parliament; but he also admitted that it would not punish the editors, proprietors, or reporters of the *Times*, or any other newspaper, for publishing a speech so made. He should be ashamed to bring forward a measure that would have such an object in view. If any Member of the House of Commons spoke treason within the walls of the House of Commons, he should answer for his sentiments within the House, but not elsewhere. One of the most outrageous attempts made by King Charles I., and which was probably one of the main causes of bringing him to the block, was that of questioning Members of the House of Commons in courts of law for speeches made in the House of Commons; and he hoped that such a law would never be enacted in this country again. He should be the last man to bring forward any measure for punishing those who gave good and faithful reports of what took place in Parliament, for he had himself proposed to their Lordships a clause in a Bill which met with the approbation of their Lordships' House, as well as of the other House of Parliament and of the Sovereign

—and which he believed to be a perfectly fair and just clause—that no person being the printer and publisher of the newspaper that *boná fide* gave an honest report of what occurred in either House of Parliament should be liable to be indicted; and he had the honour of being seconded on that occasion by Lord Brougham and Vaux himself, and it met with the approval of the Lord Chief Justice. As to the persons who spoke these speeches, perhaps their best punishment was in the contempt and indignation which their treasonable conduct excited. He did not believe that the cause of treason or sedition had gained any advantage by the publication of those addresses; but, on the contrary, he thought that their publication had a strong tendency to urge forward that spirit of loyalty and order which had been recently manifested by the great body of the people. He trusted that this Bill would be effectual for the purposes which it had in view, namely, to restrain seditious and treasonable speeches made in the National Convention in London, and made at the meetings of the Confederates in Dublin, and it might be at meetings in Conciliation Hall also. These were properly within the scope of prosecution, and these were the speeches that ought to be prosecuted. It had been said elsewhere that there was one Member of Her Majesty's Government who must condemn this Bill—that Member being the humble individual who had now the honour to address their Lordships; and the foundation of that opinion was, that he (Lord Campbell) had expressed a disapprobation of Lord Eldon's Bill of 1796. It was true that he had so expressed himself, and he always would continue to think that that Bill had been an improper encroachment on the liberty of the subject. But the law of treason in England was happily established in the 25th year of the reign of Edward III. High treason was the greatest crime known to the law; the penalties were the most severe; the terms of the sentence he would not shock their Lordships by pronouncing; and, in addition, the forfeiture of lands and goods and the corruption of blood were involved. But there was one great defect in the law with respect to offences against the State, and that was, that there was no intermediate crime between high treason and a misdemeanour. Now, what was a misdemeanour by the law? It was a crime of a very lenient nature; it was, in the first place, bailable *de jure*—it could only be punished by fine and imprisonment; and whilst a man was under prosecution for it, he might set the law at defiance: he might repeat the offence, and commit acts tending to the injury of the State. The consequence of that defect in the law was, that on various occasions there had been temporary laws brought in, making high treason Acts of a penal nature, which were not touched by the Act of Edward III.; but those were only temporary, and were repealed at the commencement of almost every reign—particularly at the commencement of Queen Mary's reign, when all the treasons which had been created since the 25th of Edward III. were repealed. Another bad consequence of there being no intermediate offence was that the law of Edward III. was often strained. It was held to be high treason if any disturbance occurred for what was termed any general or public object. That being the case, very great inconveniences arose; and Lord Eldon, in 1796, introduced a law making it high treason, and punishable in the manner he had described, to compass or imagine the death of the Sovereign, the levying of war, or the inviting of foreign invasion. That appeared to him, however, to be assimilating crimes of a very different amount of gravity, It defeated its own object, and was opposed, and, as he thought, justly opposed, by one party in Parliament. Amongst other things, it required all the forms of the Act of Edward to be followed. A copy of the indictment must be delivered to the accused, with a list of witnesses, and of the jury, and all these must be delivered simultaneously. Their Lordships would, no doubt, remember that in the case of Frost an objection was taken, because the copy of the indictment had been delivered three days before the list of witnesses, and that that objection was held by a minority of the Judges to be fatal. The noble Lord opposite had expressed some apprehension that the treason laws might be rendered less efficacious by the adoption of this measure; but the fact was, that there was an express clause in the Bill, whereby the Statute of the 25th of Edward III. remained intact. Whatever, therefore, was treason from the time of Edward III. down to 1796, was treason now, and would remain treason. At the same time there was no new offence created by this Bill. What was now treason was in some cases reduced to felony; and he was sure it was infinitely better that the offence should be treated as a felony than as a misdemeanour. He had heard it stated by a very high authority that it would have been infinitely preferable to have treated the whole of these offences as misdemeanours instead of as felonies. If they made those offences misdemeanours, however, they would gain nothing by this measure—they would still be bailable, and the object which the Government had in view would be frustrated. He contended that for such grave offences there should be a grave punishment. His noble and learned Friend (Lord Brougham) had criticised the language of the 3rd section. But that section contained the *ipsissima verba* to be found in the 36th George III., which in their turn were taken word for word from the Statute of Charles II. The words "open and advised speaking" had a certain definite and well-defined meaning with which the Judges were acquainted; and really he should think his noble and learned Friend could hardly be serious when he stated that they merely applied to deposing the Queen from the "style" of Queen of the United Kingdom of Great Britain and Ireland. The words meant, deposing Her Majesty from Her Royal authority as Sovereign of this realm. That was the meaning they ever had conveyed, and that was the interpretation to be placed upon them now. His noble and learned Friend had spoken about taking a leaf out of the law of Scotland. He could only say that if this Bill were to introduce into England the law which was supposed to exist in Scotland at the trial of Muir and Palmer, he should be the last man to support it. But he believed that the trial of Muir and Palmer was not according to the law of Scotland. They were not tried for any specific offence, but generally for sedition, and that sedition consisted in making very temperate speeches in favour of Parliamentary reform. They did no more than make speeches such as his noble and learned Friend had often made. He did not say that his noble and learned Friend had made himself amenable to the law, but certainly he had made more animated speeches in favour of reform than those for which these men were transported to Botany Bay. The only offences punishable by this Bill were compassing the deposition of the Queen, levying war against the Queen, and inviting the invasion of the Queen's dominions by a foreign force; and the Judge would ask the jury distinctly whether the prisoner had been proved to be guilty of one of those specific offences. Now those offences might be created either by printing and publishing, or "by open and advised speaking;" but the open and advised speaking was not the crime—the crime must be, as he had already said, either compassing the death of the Queen, levying war against the Queen, or inviting the invasion of the Queen's dominions by a foreign force. The "open and advised speaking" of the Bill was open and advised speaking which proved that there was a design to depose the Queen, to levy war against the Queen, or to invite invasion. Mr. Justice Foster had laid it down that to make use of language which amounted to counselling the deposition of the Sovereign, was an overt act of high treason; and again it was held that if the words were merely an expression of opinion they might be seditious, but not treasonable; but if they counselled an act to be done, then they became treason. Now those were words—nothing but words; there was no act done, and yet that was treason. It did seem to him, therefore, a fallacy to say that the expression in the Act—"open and advised speaking"—was any invasion of the rights or liberties of the subject. The 1st of Edward VI., c. 12, and various Acts from Elizabeth down to Charles II., distinctly laid it down that if any person averred by open teaching or by expressed words that the king, his heirs or successors, ought not to reign in England and Ireland, or if any person imagined, by open teaching or expressed words, to deprive the king, his heirs or successors, of their royal sign and title, that should be deemed high treason. He had only further to add, with reference to this measure, that the mode of trial was not at all altered by it, and that whatever advantage the prisoner previously possessed, he would possess still. He hoped the Bill would meet with the unanimous approbation of their Lordships, and that the country would long continue to enjoy that peace which had now for so long a time remained undisturbed.

The Duke of WELLINGTON said: My Lords, I am one of those who highly approve of the object of the Bill now before your Lordships. At the same time I agree with the noble Lord (Lord Stanley) in regretting that Parliament has not been allowed more time for its consideration. But, my Lords, I conceive it is absolutely necessary that some measure of this nature should be adopted, and that due consideration should be given to it for the purpose of making it quite efficient, in order to oppose some check to those great, those gigantic meetings by which this country and the sister kingdom have been disturbed during the last year. My Lords, we have at last come to that stage at which the law is defied, and is the contempt of every one of those persons who break it. When the Government instituted proceedings against three persons for a misdemeanour, it happened, owing to the state of the law as it stands up to the present moment, that after they were brought before the magistrates, and bail was taken for their appearance upon their trial, one of them continued to commit the same offence with which they were charged, by means of speeches and writings, in addition to what they had previously done; the two others carried out their attempts in an offensive—I won't say treasonable—mission to another country, aggravating the charge so far as it could be aggravated by any act of theirs—but, when out on bail, those persons go to a foreign country to excite foreigners to invade Her Majesty's dominions. What is this but an aggravation of the offences already committed, and a further proceeding in contempt of the law? My Lords, this contempt of the law is growing in this country every day. From the want of respect for the law—of that respect for the law which has been characteristic of this country for ages, matters are come to such a pass that there will be no authority in the country and no means of supporting the law except by the use of physical force. I am anxious to guard against the country coming to that state. My Lords, that is the state of things, and I have observed in a most marked manner the progress which has been made in recent years in that very contempt of the laws of this country. Some years ago it happened—I believe in the year 1831—that there were extraordinary riots at the same moment at Bristol in this country, and at Lyons in France. It is certainly true that great outrages were committed at Bristol—that the bishop's palace was burnt, that the jail was burnt, and that great injury was done. The riots continued some days, though a military force was employed to give assistance to the civil power. But the officer who commanded that force was considered not to have done his duty; and certainly, in the presence of the troops and the magistrates, the bishop's palace was destroyed by fire. The disturbances continued; but the magistrates got the better of it altogether, and saved the city of Bristol from entire conflagration by the assistance of one single squadron of light dragoons, under the command of Colonel Brereton, who performed his duty: and that was the whole force which put an end to that disturbance in Bristol in 1831, and saved that city from entire detruction. But what was the case at the same period at Lyons? The population of the two towns is, I believe, about the same. One is a port—the other is inland. However, it took an army of 60,000 men, under the command of a Marshal of France, in order to get the better of that insurrection at Lyons, and to save Lyons from destruction. One squadron of dragoons did that at Bristol, which it required 60,000 men to perform at Lyons. My Lords, I attribute the different success of those two efforts to the respect which prevailed at that time in England for the law—to the feeling which every man had that he was disobeying the law by joining in that insurrection; and respect for the law it was which then saved Bristol. We are certainly not now in that happy position. It is true, that without the exercise of force we saw large bodies of persons who had collected in the vicinity of this city quietly disperse. But that was not out of submission to the law. Was not the whole population of the town, civil as well as military, under arms? Were there not several hundred thousand persons embodied as constables? Were they not organised and directed by persons capable of directing them? Were there not thousands of troops under arms? and were there not thousands of police in readiness to act if need be? Can it be said, then, that it was respect for the law which prevented any outrage being committed by these persons? But what passed on that very night, on the following night, and on nearly every night since? Why, a repetition of the very same expressions which it is the object of this Act of Parliament to prevent. Is that respect for the law? No, there is no such thing as respect for the law under such circumstances. My Lords, I say that this want of respect for the law, which if it continues must be fatal to the greatness of this country, if not to its very existence, is to be attributed to the transactions which have taken place in Ireland within the last few years. We have seen hundreds of those monster meetings year after year, week after week, month after month, ranging through that country with impunity. We have heard of seditious and treasonable speeches made at those meetings—we have heard of men being put upon their trial for sedition in connexion with those meetings—and we have heard of men who were acquitted of the charge of sedition on some point arising on the trial. Why, my Lords, all this tends, I say, to the same point—to create a contempt for the law. I, therefore, entreat your Lordships to pass this Bill. I am particularly grateful to my noble and learned Friend opposite (Lord Campbell) for the manner in which he has explained it. I particularly approve of the Bill, and I hope it may have a tendency to induce some respect for the law. But I beg your Lordships to observe that you place the Lord Lieutenant and the Government of Ireland in an exceedingly awkward situation in relation to the monster meetings, if you only allow them to act after having before them evidence on oath of something dangerous to the public peace having been done, and do not allow the Lord Lieutenant to proceed upon his own sense of the state of the public peace, and of his power to preserve that peace by means of the civil force placed at his disposal. I do not want to prevent discussion on any subject. I desire that the people should have the means of public discussion on every subject on which they desire to have discussion; but, my Lords, let that discussion be when they meet in such numbers that the question can be discussed, and all who attend the meeting can hear what is addressed to them; but do not let the meeting, under the pretence of discussion, be of such a nature as, in the opinion of the magistrate, it is impossible for him to endeavour to put them down by means of the civil force at his disposal, and render it obvious that such a meeting can have no other object except to create terror and overawe the Government. My Lords, I rejoice that this Bill is likely to pass as a check on such meetings in future—meetings of a character to create terror; and I hope that your Lordships will pass this Bill unanimously in as short a space of time as possible in order that Government may be able to take advantage of it in the approaching time.

Lord DENMAN need hardly say that he had listened with the greatest attention and respect to what had fallen from the noble Duke; but there certainly were some things in his speech to which he hoped the noble Duke would permit him shortly to allude. He quite agreed with him that in certain quarters there was a growing contempt for the law; and it appeared to him that the danger which must result from that state of things could hardly be overrated. It was impossible but that the minds of the lowest and most ignorant, pressed down often by want, must be acted upon by the violent language said to have been employed, and be led to regard as a lawful proceeding that which might be attended with the greatest danger not only at present to the peace of the community, but ultimately to the safety of the State. He had no fear that the present proceedings of which they had heard, threatened such danger; but certainly the spirit of such meetings as had taken place—the promulgation of such language as had been put forth—the incitements made use of to induce a small section of the people to take the government by violence into their own hands—and the declarations made not only against the Government, and the Parliament, and the laws, but also betraying a most malignant feeling against the middling classes—all this did appear to him so enormous and intolerable an evil, and so fraught with danger, if permitted to continue, that if any new security of law was necessary to put it down, that new law should receive at once the assent of that House. But the law was not quite so impotent as had by some been supposed; and he had no doubt that these monster meetings—meetings incompatible with discussion and deliberation, and which tended to the breach of the peace, and kept up a certain combined force capable of mischief in any particular direction—such monster meetings were in themselves misdemeanours, and might always be put down by the laws applicable to that offence. That this growing contempt of the law, in particular classes, had been encouraged by what had taken place, in former years, in Ireland, was likely to be contradicted by no one; but on that subject he begged to say that the laws were never appealed to for the repression of these monster meetings. For some good reason, no doubt, it was thought prudent to allow them to go on, and afterwards to proceed against individuals connected with them by indictment—almost as great a monster in the shape of an indictment as the offence which it purported to describe; and, as the noble Duke had said, there followed upon it an acquittal of the parties accused. Some expressions in what had fallen from the noble Duke on this subject, might be thought to imply dissatisfaction with that result; but he was sure he had no intention to impute to any of those who thought themselves bound, in conformity with what they considered to be the law, to control the decision of an inferior court, having done anything inconsistent with their duty. On the contrary, that noble Duke must be of opinion, that if any Peer, sitting as a Judge in that House, was induced, with a view to any consequences whatever, to say that he believed that to be the law which he did not believe to be the law, or would strain, in any way, the law contrary to the dictates of his conscience, he would lose all title to respect as a Judge; and, to a certain extent, the law itself would lose that character which had induced the country to regard it with confidence. The noble Duke had spoken of a growing contempt of the law, and had contrasted recent events with those which occurred at Bristol in 1831, when riots were put down by the appearance of a single squadron. This might be correct, as applicable to the conduct of those parties who had rendered the present Bill necessary; but he would suggest it was hardly just to the people of England, who had so recently taken into their own hands the vindication of their rights and the protection of their safety, that there was in the great body of that England a contempt for the law. He thought, on the contrary, that when certain individuals had proceeded so far towards a disturbance of the peace, and in a course that was dangerous to the safety of all persons not of their own particular party, and when they saw that exhibition of peaceable men turning off from the ordinary and needful occupations of life to expose themselves to possible dangers, and certainly to great inconvenience, he thought there was brought before them the most gratifying proof of attachment to the law, because they knew from long experience the benefits of the protection to be derived from it. "I am sure I can never speak without feelings of the utmost admiration and gratitude, in which all mankind concur, of the conduct of the noble Duke; his recent conduct in these troubles, and the whole tenor of his life; but I feel that I should be wanting in some degree in what was due to the real character of the English people if I allowed that which looked like an imputation of 'the growing contempt of the law' to pass without comment."

The Duke of WELLINGTON: No one can admire more than I do the general conduct of the people upon the occasion to which I have referred; and I am sorry if I have said anything which could have induced the noble and learned Lord, or any person, to believe that I had said they had not shown respect for the law. What I stated was that the results of that day were to be attributed to the formidable array that was made to get the better of those who had arrayed themselves against the law. I said there was no respect of the law on their part, because I said that on that very night, and certainly on the following night, they had over and over again made speeches showing their contempt of the law. I also beg to say, that nothing was further from my thoughts than to express one word against the decision of the House as to what passed upon the trial to which I have referred. I confess that I have the greatest respect for the decision of this House upon that subject. I said that it was owing to circumstances attending these trials—to points which occurred on the trials—that the conviction of the persons who had been concerned in the transaction to which I have referred were set aside. I did not presume to pronounce any opinion upon the subject. I merely mentioned the fact, as one of the many circumstances which have tended to occasion a contempt of the law on the subject of these meetings.

Lord DENMAN was happy the noble Duke had so satisfactorily explained his meaning; he would say, that in point of fact the growing contempt of the law in the few, was put down by a growing confidence in the impartiality and integrity of the law by the great mass of the people. He really believed that vast numbers of those who were taking a most improper part in the proceedings that had been referred to, were entirely ignorant that they were offending against the law. One of the benefits which would flow from this Bill was, that those persons would be told that the law would not allow such proceedings to go on; but he never wished to lose sight of the fact that, even without this Bill, those persons were incurring extreme danger, by lending themselves to meetings of a character that led to violence. As to the words contained in the Bill relating to "open and advised speaking," he thought that point was so completely exhausted, that there was no necessity for any remarks on his part. He was glad that the Bill had been so fully and ably discussed, and with so much jealousy, in the other House of Parliament; and he did not see, in the shape in which it had come before their Lordships, that there would be any difficulty in carrying it into effect. As to one point, the privilege of challenge accorded to prisoners, he must own that, as a matter of justice to the accused, he should be sorry to see them deprived of that privilege. He thought there was no reason to complain of juries in Ireland. He was proud of the recent triumph of the law in that country. On the occasion of the late special commission, Roman Catholics and Protestants summoned on the juries had all done their duty so effectively that the most favourable results had followed, and he firmly trusted that there was an end of Coercion Bills for ever.

Lord BROUGHAM, in reference to what had been said by the noble Duke, observed that Lyons was a much larger place, and contained a much more dangerous population, than Bristol. There were 240,000 persons, of whom 30,000 or 40,000 were workmen in a most wretched state, and the quarrels with their masters on account of wages led to almost perpetual combinations against the law. He was lately in the place, and spoke from most positive information. In 1834, 30,000 persons were banded in opposition to the law, and it was deemed advisable, from motives of humanity, to draw in an overwhelming military force, to make resistance utterly impossible; and the consequence was, there was hardly any shedding of blood. There was, indeed, nothing which was such false humanity as that of not putting down insurrections with a strong hand, so as to make resistance utterly impossible.

The Duke of WELLINGTON: I contrasted what had passed in Lyons with what had passed in Bristol, as a remarkable instance of the effect of the respect of the law.

The Earl of ST. GERMANS said, that the noble Lord lately the Chancellor of Ireland, and the learned Chief Justice of England, with more experience of this country than of that, had greatly underrated the objections stated by the noble Lord (Lord Stanley). Anybody acquainted with the administration of justice in Ireland must acknowledge that it was extremely difficult to get jurors not afraid of doing their duty. This had been the case in the Whiteboy offences. If a peremptory right of challenge were given to the parties arraigned, it would be impossible to restore order. He agreed that upon a late occasion the jurors did their duty, and there was a conviction. It was owing to peculiar circumstances that the gentry and magistrates all attended, and served on the petty jury. That was hardly to be looked at as a continuing state of things; and he apprehended that by taking the case of a number of persons, and putting them on their trial, they would exhaust the panel, and find it impossible to get jurors to do their duty. At the same time he would oppose no delay in the existing circumstances of the country in the passing of this Bill. Whilst he admitted that those who "devised, composed, or imagined" the death of the king, justly deserved punishment, yet the mischievous consequences produced by their speaking were small in comparison with the mischief done by the publication of those speeches. He did not wish there should be any restraint on the publication of speeches in Parliament; he thought it of paramount importance that every thing which was said in either House of Parliament should be known to the country, for the probability of a treasonable or seditious speech was not great; but the case was different where small bodies of persons met together with others of the same opinion, and made speeches which, when reported, were read by the meanest peasant. The newspapers exercised a sound discretion in the report of criminal proceedings. He could conceive no reason why the editors of newspapers should not be called upon to exercise the same discretion as to the speeches delivered at these meetings; and he thought it consistent with the duty of Government to require editors to omit the publication of treasonable and seditious speeches. He confessed it did appear to him to be monstrous, and he believed it was owing to the morbid appetite for variety, that the members of these societies met together and uttered these seditious speeches. He appealed to the good feeling of editors of newspapers to exercise the same discretion as to the publication of these proceedings that they exercised as to the proceedings in the criminal courts, which they often said were unfit for publication. If this appeal should not be successful, then he thought the Government might and ought to interpose, and institute legal proceedings againt those who gave publicity to these mischievous proceedings.

Lord CAMPBELL: I do not presume to speak from my own experience of the administration of justice in Ireland; but I assure the noble Earl that the Bill, as it now stands, is perfectly approved of by the law authorities in Ireland—by the Lord Lieutenant of Ireland—and that they, knowing Ireland thoroughly, believe that it will be effectual. With regard to the publication of seditious speeches, I am very far from saying that it is advisable to take proceedings upon them. It will depend entirely upon the *quo animo;* if they are published to be held up to the execration of the public, the intention would render the act innocent; but if they are published for the purpose of giving effect to those seditious and treasonable sentiments, the act is highly culpable. It is at all events an aggravated misdemeanour, and might be punished at common law; but it may be punished under certain circumstances by virtue of this Bill, which your Lordships are now about to read the second time, or the printing of such a speech may be the overt act to make out the felony, and to show that the person who printed it compassed the deposition of the Queen, or compassed levying war against the Queen, or compassed the invasion of the Crown by a foreign force; and that being the case, I suppose that a person, whether editor or proprietor of a newspaper, who makes a speech and who publishes that speech, and who will maintain that that speech has the tendency to which I have referred—no doubt, upon the evidence that he made and printed the speech—might be rendered amenable under this Bill; that he may be tried for felony, and may be transported beyond the seas for the term of his natural life.

The Earl of ST. GERMANS: What I am speaking of is the practice of reporting these proceedings without any *animus*, good or bad—reporting the proceedings of the National Convention as regularly as the speeches we deliver in this House of Parliament. Most of the editors of newspapers are thus doing infinite mischief.

The LORD CHANCELLOR: Our only business is to put a stop to the speaking, and then there will be no opportunity for the publishing.

Bill read 2^a.

ELECTION RECOGNISANCES BILL.

Bill read 3^a.

Lord MONTEAGLE moved to disagree to the Amendment made on Report.

Lord CAMPBELL said that his objection to the Bill had been considerably mitigated by the Amendment: he hoped the Bill would not be rejected elsewhere. He was afraid the withdrawal of the Amendment would now bring the Bill into the state in which it was rejected on a former occasion; but if the alteration should be adopted by the other House of Parliament, he thought the measure would be much less objectionable.

Resolved in the *Affirmative.*

Bill passed.

House adjourned.

HOUSE OF COMMONS,

Wednesday, April 19, 1848.

Minutes.] Public Bills.—*Reported.*—Game Certificates for Killing of Hares; Poor Houses (Ireland); Indemnity.

Petitions Presented. By Colonel Thompson, from Bungay (Suffolk), for Extensive Franchise.—By Mr. Mowatt, from Penrhyn, for Reform in the Representative System.—By Mr. Horsman, from Cumberland, respecting the Management of Church Property.—By Sir Edmund Filmer, from Maidstone, against the Roman Catholic Relief Bill.—By Sir John Guest, from Merthyr Tydvil, and by Captain Harries, from Christchurch (Southampton), for Repeal of the Duty on Attorneys' Certificates.—By Mr. Ricardo, from Stoke-upon-Trent, and by Mr. Charles Villiers, from Bilston, against the Crown and Government Security Bill.—By Captain Pechell, from Brixton, Surrey, for Remedial Measures in Cases of Distress.—By Lord James Stuart, from the Town Council of Ayr, in favour of the Law of Entail (Scotland) Bill.—By Lord George Bentinck, from Merchants, Shipowners, and others of Glasgow, against a Repeal of the Navigation Laws.—By Mr. Grantley Berkeley, from the Board of Guardians of the Westbury-on Severn Union, for Alteration of the Law respecting Mendicancy.—By Lord George Bentinck, from Liverpool, against the Public Health Bill.

ALIEN BILL.

Mr. EWART, in reference to the Alien Bill, asked if the noble Lord could possibly state any particular circumstance which called for so extraordinary a measure?

Lord J. RUSSELL: My answer to the question is, that our bringing forward the Alien Bill is the result of information which we have received from various quarters. I think it is an Act opposed to the general policy of the country, and that no such Bill ought to exist in ordinary times; but there are certainly circumstances (which I do not know that I could state to the House) which lead the Cabinet to the conviction that they ought to introduce such a Bill at the present time. It is a temporary Bill.

RATEPAYING CLAUSES OF THE REFORM BILL.

Sir WILLIAM CLAY asked the noble Lord whether it was the intention of Her Majesty's Ministers to introduce, during the present Session, any Bill similar to one which was introduced last Session, having reference to the ratepaying clauses of the Reform Act? If it were their intention to introduce any such measure, whether they would introduce in the Bill any provision to facilitate the exercise of the elective franchise by 10*l.* householders residing in tenements of which the rates and taxes were paid by the landlord?

Lord JOHN RUSSELL: I hope, in the course of the Session, to introduce a Bill on the subject. I had rather not enter into the provisions of that Bill at present. I say, with respect to other measures generally that I do not see any advantage in introducing them, unless there is a prospect of time to pass them.

DENMARK AND THE DUCHIES.

On the Motion that the House at its rising adjourn to Saturday,

Mr. DISRAELI:* Sir, in rising pursuant to the notice I gave yesterday, I assure those hon. Gentlemen who are interested in the Orders of the Day, that I shall stand for but a short time between them and the progress of business. I share that objection, so generally entertained in this House, against unnecessarily calling its attention to the transactions of foreign States in which this country may be eventually mixed up. I am always willing to leave such transactions to the superintendence of the Minister under whose supervision they naturally fall. But there are cases, I think, in which it becomes this House not to permit transactions of that character to pass without some notice; and I cannot help being of opinion that what has recently occurred in a country in the prosperity of which England is much interested—I mean what has recently occurred in Denmark—does form an exception to that general rule to which I have adverted, and which I should wish to observe. I am well aware, that, if at all times it may be inconvenient for the House of Commons to interfere in diplomatic transactions, the present juncture of affairs would appear at the first glance to increase such an inconvenience. But that inconvenience depends upon the circumstances of the particular case; and, as regards the case to which I wish to call the attention of the House—and I shall do so very briefly—I feel persuaded that a right understanding of those circumstances by the House will have a tendency to maintain the peace which England now enjoys, and to promote the promulgation of those principles throughout Europe which may tend to avert that too imminent danger of hostilities which it cannot be denied now exists.

It is unnecessary for me to remind the House of the general character of the country to which I am referring. The House bears, no doubt, in mind, that it is a State which, if the amount of population be regarded, does not rank among the first Powers of Europe. But the importance of a State does not merely depend upon the amount of its population, but upon the character of that population, and the geographical position of the country. Denmark is an ancient kingdom, inhabited by a brave and independent race of people, dwelling in a land which from its physical configuration must necessarily exercise a considerable influence upon some of the principal nations of Europe, especially in case of war. The present Sovereign of Denmark acceded to his throne at the commencement of this year, under circumstances at the same time both remarkable and interesting. He succeeded to absolute power over his subjects, but nevertheless the first act of that monarch, when he inherited his ancient throne—when he succeeded to that position of absolute sway—was immediately, of his own proper impulse, *mero motu*, to announce to his subjects that he was determined to accord to them free institutions; and that on a large and liberal scale.

I wish the House for a moment to contrast the position of the King of Denmark at the commencement of this year with that of the other Sovereigns who have subsequently been extremely liberal in offers and lavish in promises to their subjects; and I beg them not to mix up the case of the King of Denmark with the case of other potentates who at the present moment appear in the gracious character of conceders of liberal institutions to subjects to whom they had been long denied. This great boon was granted by the King of Denmark to his people at the commencement of the present year, in a time of profound peace, at a moment when the most sanguine votaries of the European movement felt that there was but a poor chance of any material alteration in the institutions of Europe during the lives of many of those powerful Sovereigns and still more powerful Ministers, who were then in the full enjoyment of the power they had so long wielded.

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* From Corrected Report.

The position of Denmark—a country often and again dismembered at the Peace—was settled by the Treaty of Vienna in this manner:—It was to consist, in the first place, of those celebrated islands upon one of which, Zealand, Copenhagen is built, and of its ancient continental province of Jutland, together forming Denmark Proper, with a population exceeding perhaps a million and a quarter; and, in the second place, of adjoining possessions it had also long enjoyed—the Scandinavian Duchy of Schleswig, and the German Duchy of Holstein, by virtue of which last territory the King of Denmark had always been a German prince. The King of Denmark, then, with more than 1,250,000 subjects in Denmark Proper, and much less than 1,000,000 subjects in the two Duchies of Schleswig and Holstein, announced to his people that an equal number of representatives should be sent to his Diet from those two Duchies, with a population so inferior, with those sent by Denmark Proper. I mention this trait to show how cordial and genuine was the spirit in which the King of Denmark was prepared to act, and how equally he wished to incorporate in these new privileges every part of his dominions.

Under these circumstances, the deputies having assembled to construct this free Government, no portion of the kingdom objecting in any degree to the general proposition of the Sovereign, that proposition being so full and extensive, that it had anticipated all that his subjects desired—a thorough and complete representation of the people, the absolute enjoyment of a free press, and the recognition of all the provincial privileges and institutions of the inhabitants — Holstein, the German Duchy, declined to be incorporated with the other States, because they regarded the new constitution to be one which, in its tendency and effect, would absorb them in a Scandinavian population, and terminate the connexion which they always wished to cherish with their German brethren. What was the conduct of the King in this position? No sooner was that representation made to him by the deputies from Holstein, than he immediately acceded to their wishes, and agreed that the constitution he was about to grant should be limited to Denmark Proper and to the Scandinavian Duchy of Schleswig; and that Holstein should remain unincorporated with them; but at the same time he offered to the latter duchy the same free privileges he was about to confer on the other parts of his dominions, anticipating that the time would, perhaps, come, when all Germany would enjoy them. I state this in order that the House may not think my purpose is to vindicate the course of any Sovereign who is behind the spirit of the age, and refuses the enjoyment of free institutions to his subjects; and also to show the House that I am not advocating the interests of a monarch who has been suddenly inspired by the recent course of events to appear in the character of a Royal professor of liberal opinions; but that on the contrary, the King of Denmark, in the prime of life, in the full possession of absolute power, acting upon his own convictions—convictions he had long cherished while Crown Prince—did seize the first occasion, upon his accession to his throne, and in a time of profound peace, spontaneously to come forward and grant free institutions to his subjects, and that on a scale so considerable, that throughout all the unfortunate discussions and misunderstandings which have since occurred, no party has risen into notice which has pointed out a freer constitution than that which the King himself devised, and voluntarily proffered to the acceptance of his people.

The troubles of the monarch began thus. A month elapsed—for it is not, of course, possible to arrange the affairs of a whole people in a day—but there being no suspicion on the side of the people, no backwardness on the part of the Sovereign, when the French revolution occurred; and the consequence of that event upon some of the dominions of the King of Denmark was remarkable. The German party, which of course predominated in Holstein—in which, in fact, there was no Danish population—were extremely anxious to exercise an equal influence in the neighbouring Duchy of Schleswig, in which from its contiguity to Holstein there had gradually grown up a certain amount of German population. The consequence was, that the ready-made machinery which exists throughout Europe, which at a signal from Paris, or which, as in this case, by a sympathetic rather than a preconcerted action, can always be put in motion, operated in Schleswig. A Provisional Government was formed in that capital, where no preparation had been made to receive it, because no discontent could possibly have been anticipated by the Sovereign to exist. However, a Provisional Government was formed there, and they published an announcement that they would not be incorporated with the kingdom of Denmark, but that they chose to become a German State, in common with the Duchy of Holstein.

In this state of affairs, a remarkable event occurred. There had been a *quasi* revolution at Berlin. There, too, was a monarch who had granted liberal institutions to his subjects, though not exactly under the same circumstances as those under which the King of Denmark had acted. Animated, however, by the gratitude of his subjects for his concessions, and not content with merely effecting the happiness of the people of Prussia, the King of that country, hearing of what had occurred in Schleswig, received a deputation from the Provisional Government set up there—promised that the Duchies of Schleswig and Holstein should, under his patronage and protection, be acknowledged as German States, and then ordered some of his troops, who had not perhaps been so successful in Berlin as he had intended, to recover their laurels in an invasion of the States of a friendly Power.

Sir, there is probably no event in modern history more unjustifiable than the conduct of Prussia under these circumstances. Since these occurrences, it has been pretended that Holstein being a German State, and Schleswig, though not a German State, having chosen to be united to Holstein, and the King of Denmark, as Duke of Holstein, being a German Prince and a member of the German Diet, the King of Prussia, as a member of the same body, had not only a right, but felt it also a duty, to march his troops into the territory of another member of that Diet, in consequence of the disturbances there existing. But, in the first place, the King of Prussia ordered his troops to march, and his troops entered Holstein, and occupied Holstein, without the German Diet having given any order whatsoever. In the second place, if any application had been made to the Diet for interference, it ought to have been made, not by the member of the Diet, who was King of Prussia, but by him who was King of Denmark. And, in the third place, even if the Diet had authorised Prussia to occupy Holstein, it would have been impossible for the King of Prussia to show that he had any right whatever to invade Schleswig and occupy a considerable portion of that duchy.

But even if there had been no disturbances at Berlin, and even if the forms of the Diet had been complied with, it is difficult to find, in point of policy, an excuse for this step. Was it to pacify the Duchies? The King of Denmark was perfectly able to pacify those Duchies. Was it because the King of Denmark, in his character of Duke of these portions of his dominions, and a German Prince, was acting tyranically towards his subjects in the Duchies, and that they consequently required the protective interposition of the German Diet? In that case it was an affair for negotiation; they ought to have alleged their grievances, and preferred their complaints—they ought to have asked the King for his defence, given him the opportunity of making that defence, and, if guilty, of making reparation. But throughout the whole of this transaction no offence is stated; the Diet was not applied to at all; the invasion took place without the authority of the Diet; it was an invasion without authority and without cause.

Since then, indeed—since Holstein has been occupied by the forces of Prussia—since a considerable fortress in Schleswig, delivered up by treachery, has been retained—since Schleswig itself has been invaded—a curious body, a body itself in a state of reconstruction and revolution, calling itself the Germanic Diet, and assembling at Frankfort, passed an *ex post facto* resolution, authorising the King of Prussia to do that which he had already done, and also to do that which is even more unjustifiable, and which until that authority was given him he himself seemed to hesitate about accomplishing.

The moment that this Provisional Government was formed in Schleswig, the moment that rebellion in the most unblushing and flagrant manner had been announced, the King of Denmark appealed to his people.

And here it may be shown how wise and politic is that monarch who grants, not from restraint, but from conviction, free institutions to his subjects. There was no country in which party feeling had run higher than in Denmark. There was the aristocratic party and the democratic party, who had not agreed for centuries; there was the German party and the national party, between whom violent passions had been excited. But in consequence of the conduct of the King, all party feeling had ceased in Denmark. Nothing was known but the Danish nation, and pride in a monarch who had trusted to the loyalty of his subjects, and to the spirit of freedom. Never was appeal from a monarch so answered—never king so supported by his people. From the first nobleman to the humblest shopkeeper in his dominions, one and all rallied around him. And, Sir, in this case we must not rank the power of the King of Denmark according to the extent of his realm, or to the sum of its population. You may think that, after all, there is only a million and a half of people devoted to him; but I wish to know what Sovereign in Europe, except our own gracious Queen, has a million and a half of devoted subjects? The King of Denmark, supported by the unanimous population of his kingdom, eminent as they are, both morally and physically, for great virtues, is a more powerful Sovereign, perhaps, than some of those who violate the rights of nations, and who seek some compensation for their blundering tyranny by making a diversion for their troops, which had been foiled in a service little honourable at home, by a foreign invasion scarcely more distinguished. The King of Denmark, at the head of his forces, and supported by that naval power which could not have been put afloat had he not raised in his people that spirit of patriotism which on rare occasions only can be counted upon, marched into Schleswig, defeated the rebels, and in three days would have pacified the whole population, had it not been for the occupation of Holstein by Prussia, and the invasion of Schleswig by the same Power. Up to this moment not a single rational cause has been alleged for the erratic conduct of the Court of Berlin—no case of justification has been put forward; and the only means by which a vindication has been sought to be established has been in a weak adaptation of some of the dreamy effusions of German professors, which for years have been agitating their country, and which in this disordered and distempered age are, it seems, to be reduced into practice in the dominions of a neighbouring ally.

But all things have always a pretext as well as a cause; and the pretext in this case, for all the reasons that have been adduced resolve themselves into this—the pretext for this extraordinary proceeding, is German nationality. It is actually laid down as a principle by men now occupying seats in the Cabinets of Europe, that wheresoever the German language is spoken, there the German flag ought to wave. That is really and truly the pretext upon which the invasion of Schleswig and Holstein has taken place. All this may be very fine, very national, and very courageous; but it would be well for the House, when turning their attention to this subject, to consider whether it would not become the German people, if this be their opinion, to act with a little more consistency? If, wheresoever the German language is spoken, the German flag should wave, why do not the Prussians invade Alsace? Why do they not invade those provinces towards the west, where the German language is spoken, and meet at once the high spirit of France? Or, turning towards their eastern frontier, why do they not occupy Livonia, where the German language is spoken, and thus encounter the colossal power of Russia? That would be, indeed, consistent and national; but the principle only holds good towards the north. And why? Because it is in the north, when surrendered, that the pretext vanishes, and the cause appears.

Germany is the centre of Europe, and has no reason, one would think, to complain of the territorial advantages which have been allotted to it. Its broad and rich lands are watered by the three most considerable rivers of Europe—the Rhine, the Elbe, and the Danube. But Germany, which possesses almost every other advantage, is not a great naval Power, and Germany wants a coast. That is the real reason why Denmark, supposed to be weak, is to be invaded in this age of liberty on the plea of nationality. It is to gain the harbours of the Baltic, and to secure the mouths of the Elbe, that the plea of German nationality is put forth. Hitherto in the Baltic, Russia and the Scandinavian Peninsula have prevented this project of Germany; while Holland and Great Britain have intercepted in the North Sea its maritime development. But now, under shelter of the plea of nationality, taking advantage of the fact, that the King of Denmark possesses in Schleswig perhaps 150,000 subjects of German race, his dominions are to be invaded, and may be conquered, notwithstanding the valour of his few but determined subjects, in order that Prussia may suddenly appear as a great maritime Power.

I do not wish to argue this case with respect to the interests of England. I do not wish to say anything about whether it is or is not for the interest of England that a new naval Power should spring up among the nations of the Baltic or the Northern Seas. But this I wish to lay down as a principle, that it is for the interest of England, and not of England alone, but of all Europe, that peace should be maintained. And peace cannot, I think, be maintained if the policy of Prussia be permitted to pass unnoticed and uncensured.

I shall be asked what are the means we have, short of going to war, to check this ill-conditioned conduct on the part of Prussia? In my opinion there are means which deserve our consideration. At any rate there are circumstances connected with these affairs which demand our attention. We are connected with Denmark in respect to the very territory which is at present in question. We are connected with Denmark by treaty. Under that treaty we have entered into stipulations of a remarkable and stringent character.

It is of great importance that we should clearly understand the engagements into which we have entered. I know it is very easy to say—not that I impute the probability of his saying so to the noble Lord the Secretary of State for Foreign Affairs, for, I am sure, he is animated by a very different feeling — that negotiations are going on, and that the best course is to pass over these matters in silence, and leave the people in ignorance of the existence even of engagements which they may be called upon suddenly to fulfil. I think, indeed, it is not desirable to take frequent opportunities of expressing opinions with the regard to the policy of the Government on external affairs, because it must be supposed that they have means of information upon passing circumstances which the House of Commons does not possess. Still I do not think it is wise that the House of Commons should be ignorant of the treaty stipulations into which this country has entered. Passing information, transient circumstances, events of the hour, communications with foreign Ministers, cannot alter the permanent character of such stipulations; and what happens if we neglect to make ourselves acquainted with their nature and substance? It is this, that sooner or later we are called upon in consequence of those stipulations to act. We then find an appeal made to an ignorant and confused assembly, necessarily in a position to be led by the Minister of the day, who is in possession of superior information. Act we must, and act by the advice of a man better informed than ourselves; and it is only when the result has occurred, that we find we are involved in increased debt and increased expenditure.

We observe great impatience of taxation at the present day; we hear frequent complaints of the amount of the national debt; but if the House of Commons had only made itself well acquainted with the nature of the treaties which it entered into during the revolutionary war, do you believe that that debt would have reached half the sum at which it now stands? If the House of Commons had been then acquainted with the real state of Europe, do you think it would have been induced to enter into engagements, which were at the same time as disastrous in their political as lamentable in their financial consequences?

Now, by the treaty still in force, England has guaranteed this Duchy of Schleswig, its peaceable and complete enjoyment, to the King of Denmark. It is of great importance, at this moment, that we should clearly understand the nature of that engagement. I have been told by some persons that the treaty is of a very remote date. This is certainly a most extraordinary observation. The date, in point of fact, is no more remote than the accession of the present Family to the Throne, and it binds the heirs and successors of the King who signed and ratified it. We have not even a revolution or a change of dynasty intervening in the period; and if there are any treaties which ought to bind us, I think I shall be able to show the House that this is one of that character.

Since I gave notice of bringing forward this subject, I have received a pamphlet of no mean dimensions: it is 165 pages in length; but its size, though that is a fact which would attract attention—and its theme, though that is one at least interesting—are less remarkable than the circumstances under which it appears. It is called *A Memoir of the Constitutional Rights of the Duchies of Schleswig and Holstein, presented to Viscount Palmerston, by Chevalier Bunsen, on the 8th of April*, 1848, *with a Postscript of the 15th of April*. Now in the first place I might remark, that it is a somewhat extraordinary thing for the Envoy Extraordinary of a great Power, the Minister Plenipotentiary of the King of Prussia, to draw up a memoir and present it to our Minister only a few days back, and then publish it as a pamphlet, in order to influence the opinions of the House of Commons. But knowing, as I do, the high reputation of the Prussian Minister, his distinguished abilities, his remarkable learning, and his great experience, I read his pamphlet last night with that care and attention which it unquestionably deserves. I have always considered that this case of the Duchies, as it now appears before Europe, to be one of a very simple character; but when I took up this pamphlet, I trembled for my conviction. Certainly the case, as it there figures, is manifold and complicated. But, as hon. Gentlemen well know from their own experience, after a time when research is exhausted, and when you have heard both sides, you take refuge in meditation; and the result of that process of study is, generally speaking, that, notwithstanding the theories and hypotheses that may have been placed before you, you at last touch the real point on which everything hinges: and the real point, in my opinion, in the present case, as I think the House will admit, is the guarantee which has been given by England to Denmark of that province which it is now sought to deprive her of.

There are only two pages, out of the 165, devoted in this pamphlet to that guarantee, and of them I will only read two lines. The House will understand the historical position of the case to be simply this:—In 1715 a war was taking place between Sweden and Denmark: on the part of Denmark one of the most righteous wars, a war of defence, ever undertaken by any nation. It was a memorable war, for it was the last war of Charles XII.; a desperate effort, after all his misfortunes, again to make a military reputation. England and France were alike the allies of Denmark. England, in the year 1715, the reign of George I., entered into a treaty, called "the Treaty of Gottorp," with Denmark. Denmark made territorial concessions to the King of England by that treaty, and gave our Sovereign the duchy of Bremen and other places. There was, therefore, a perfect *quid pro quo*, and England, in consequence of the general feeling towards Denmark as regarded the justice of the war, and in consideration of these territories conceded, which are still held by the King of Hanover, guaranteed to the King of Denmark the peaceable possession of the Duchy of Schleswig, part of which that monarch had inherited, and part of which he had conquered in the war, and then held in possession. The war went on for five years, and at last a general peace was negotiated, through the mediation of France and England, at Frideriksborg. France guaranteed to Denmark the peaceable and tranquil possession of Schleswig, referring to the guarantee of England; and in order that there might be no mistake, England, at the same time, in the year 1720, repeated that guarantee in language which seems to me not to admit of any doubt whatever. I may mention also, before I read that language, that the guarantee was renewed and repeated on a subsequent occasion. I may mention also that many years afterwards Russia threatening to invade this very Duchy of Schleswig, Denmark appealed to England in consequence of the treaty of guarantee with England; and England signified to Russia that if Schleswig were invaded, she would declare war, and despatch an English army and English fleet for its protection; and the effect of this intimation was, that Russia did not invade Schleswig.

I will now read the passage in the pamphlet—it is in page 54—and I beg the very particular attention of the House to this point. This point, the question of guarantee, is treated of in only two pages, though, in reality, it is, as far as we are concerned, the essence of the question. The Chevalier Bunsen deals principally, with great ingenuity and ability, with questions which have long occupied the attention of German professors—such as who is to be King of Denmark in case the male line ceases, the present King being only forty years of age, and there being a direct successor in the male line; but these are discussions which are without interest in England, and which do not touch the practical case before us. The author of the pamphlet introduces the guarantee in this sort of style:—

> "It will now only be necessary to say a few words as to the often alleged pretended guarantee given by England;"

and then adds—

> "The words of the English guarantee of the 25th of July, 1720, are to maintain in a continual and peaceable possession that part of the Duchy of Schleswig which His Danish Majesty has in his hands."

There is, upon that, a good deal of reasoning to show that this was only a guarantee against the heirs of the Duke of Gottorp; and it would then be called a limited guarantee. And, reading the guarantee, as I have this moment done, I admit there would be some foundation for that opinion. But what does the House think are the real words as I have copied them from the treaty?—

> "The King of Great Britain, for his heirs and successors, agrees and binds himself to guarantee and maintain, in a continual and peaceable possession that part of the Duchy of Schleswig which His Danish Majesty has in his hands;"—

(So far it agrees with the representation of the Prussian Minister, but what follows? —that which is omitted by the Prussian Minister)—

> "and to defend it in the best manner possible against all and every one who may endeavour to disturb it, either directly or indirectly."

Now that is really the only point which ought to influence us in the consideration of this matter; and when I find that this guarantee is not even faithfully put before us—when I see a number of ingenious arguments used to show that it is a limited guarantee, referring only to the particular descendants of a particular prince—and when I observe the main words omitted, destroying at once all those arguments—I think the House will agree with me that it is not necessary to make a single remark on any other of the 164 pages of this production. I must add that I deeply regret that a man so distinguished as the Chevalier Bunsen—a man of such high character, of such eminent learning, and of a most amiable disposition—should have been so carried away by that dreamy and dangerous nonsense called "German nationality," as to draw up a memoir for presentation to an English Secretary of State, characterised by so much indiscretion and passion as that now before us.

The House, I think, now clearly understands the facts. I have not entered into the collateral considerations, because they have nothing to do with the business before us. What can it signify to us, at this moment, to discuss the possible contingencies of who may fill the throne of Denmark at the death of the present King, yet in the prime of manhood, and who, were he to die to-morrow, would still leave a successor in his family? It is probable that this question may have been at the bottom of all the disturbances, and that the Germans may have thought to have advanced the result they desire by taking the step which they are now most improperly pursuing.

I now come to the practical conclusion which I would wish to lay before the House. I began these observations by saying that my object in bringing the subject before the House, was to promote the cause of peace; I anxiously desire that; but I never can believe that the peace of Europe is to be maintained by hiding our heads in the sand and comforting ourselves with the conviction that nobody will find us out. We have entered into engagements, and there is no doubt that we shall be called upon to fulfil them. No doubt! Why the noble Lord (Lord Palmerston), the other day, in reply to a question which I put to him, acknowledged that the Danish Government had already demanded of us to fulfil our guarantee. We must either fulfil that guarantee, or we must give good reasons for refusing it; or, to take a third course, we may prevent the necessity for fulfilling it, and yet maintain the just interests of all. On the face of it, this is the alternative—either we must go to war on account of Denmark, which we all deprecate and wish to avoid, or we must practically announce to Europe that England no longer respects guarantees.

England, we must remember, has always been cautious in giving guarantees. I remember the noble Lord himself, last year, in the discussion on Cracow, reminding the House of that fact. We have been signatories to general treaties of peace for the settlement of Europe, and in consequence of being signatories when disturbances have occurred, we have been called upon to act as mediators between parties to the general treaty; but guarantees we have always avoided giving, except under circumstances of urgent and peculiar nature. I need not refer to the guarantee which, in very modern times, we gave to Belgium; the only one, with a single exception, in modern times, which I can recall. But, in modern times also, England has thought fit to give a guarantee, as stringent, as absolute, as illimitable, as the guarantee which, more than a century ago, we granted to Denmark. We have been chary of entering into these engagements, and chary because it has been the pride of England never to shrink from the fulfilment of such agreements; but we have nevertheless conceded a most important guarantee to a great European Power—a guarantee which, in any disturbance in the relations of Europe, would probably be the first we should be called upon to fulfil—one, I doubt not, of which the noble Lord has already been reminded, and probably by the author of this very pamphlet. England has guaranteed, by the Treaty of Vienna, the possession of a part of Saxony to Prussia. And I venture to say that, during the last thirty-three years, there would have been, at least on two occasions, revolts and insurrections in Saxon Prussia had it not been for that English guarantee. Is it not, then, most legitimate for us to warn Prussia of the coures she is now pursuing? Is it not legitimate for us, and most politic, to remind Prussia that if it be possible—and I only put the possibility for argument's sake—that England, at this moment, should not choose to fulfil the guarantee she has given to Denmark, she thereby announces to the world her intention to repudiate all other guarantees? I ask, how would Prussia feel then with respect to the guarantee we have given her of her Saxon territories? Why, if Prussia feels that by pursuing her present ill-conditioned course she would be effacing her best title-deeds to her Saxon provinces, you may rely upon it that she will hesitate yet before she will allow herself to be impelled by dreamy professors and hair-brained students to violate all public law, and all the rights of nations, by perpetrating, in the face of Europe, an act of such cruel injustice, and such flagrant wrong, as the invasion of Denmark.

I have thought it expedient, therefore, that the House should understand not only the engagements we have entered into with Denmark, but those also which we have entered into with Prussia; and I have that confidence in the noble Lord that I do not doubt he has already availed himself of such an arrow in his quiver as this. But it will not embarrass the noble Lord, it will not injure Denmark, and it may benefit Prussia, if we should let Europe know that the House of Commons is not indifferent to the engagements our Sovereign has contracted, and that it is aware of the treaties and guarantees which the Crown of England has entered into; and, if Prussia persists in this course—at least, I hope for this result from what I have seen of the temper of the House—that no Minister will ever dare to come forward to ask one single shilling in order to vindicate the guarantee we have given of part of Saxony to Prussia, and so to preserve the integrity of the King of Prussia's dominions. These are the reasons which have induced me to take the liberty of troubling the House to-day; and all I will say in conclusion is, may God defend the right, and may the peace of Europe be maintained by the justice and by the power of England!

VISCOUNT **PALMERSTON** said: Sir, I am sure the hon. Gentleman need make no apology for having called the attention of the House to a question which, whatever may be the comparative magnitude of the dominions involved, is, nevertheless, as he has very properly explained, one of the utmost importance to the interests of the whole of Europe. There are, certainly, circumstances connected with the previous history of Denmark which might make everything affecting the welfare of that State a matter of peculiar interest to all men of high feeling and of liberal sentiment. There is no country which has suffered more seriously by preceding transactions in Europe. It has been the lot of England, at no very remote period, to be thrown by circumstances, which were deemed at that time unavoidable, into acts of hostility towards Denmark which were unquestionably alien to all our ordinary ideas of international relations, and therefore this is a question which is especially calculated to interest the feelings of the people of this country.

With regard, however, to the question itself, as it is involved in recent transactions, I trust the House will excuse me if I abstain from following the hon. Gentleman with any arguments either on the one side or on the other. The question of right has arisen between the German Confederation, on the one hand, and the Government of Denmark, on the other, and that question of right confines itself simply to the Duchy of Schleswig. With regard to Holstein no difference exists; that duchy has long been a member of the Germanic Confederation; the King of Denmark has been a party to that Confederation in virtue of his capacity as Grand Duke of Holstein; and it is consequently with respect to Schleswig alone that any dispute has arisen. The Germanic Confederation, on the one hand, contend that, by ancient acts and recorded transactions, Schleswig is united to Holstein, and must, by treaty, follow Holstein, according to whatever succession may take place in that duchy. The Danish Government, on the other hand, pretends that it has a right to require that Schleswig shall follow the line of succession in Denmark. It is on this question chiefly that the difference arises; and as Her Majesty's Government have signified to the two parties, to the Government of Denmark, and to the Government of Prussia, which acts in this matter as the representative of the German Confederation, their willingness to undertake the task of endeavouring by their good offices to settle the dispute amicably, without further recourse to hostilities, it is obvious that it would be unfitting for me to express any opinion on the present occasion as to that side on which I may think the right preponderates.

The hon. Gentleman, no doubt, has exercised a very proper discretion in calling the attention of the House and of the country to the engagements which we have entered into with regard to the Duchy of Schleswig. I have here the original treaty by which the guarantee is given; but the hon. Gentleman has read the words so fully and correctly, that it will not be necessary for me to trouble the House with a recapitulation. Undoubtedly, however, I am perfectly ready to concur with him, and with what appeared to me to be the general sense and opinion of the House, with respect to what he said, that it is the duty of England, that it is essential to the honour of England, and, therefore, for her well-understood interests, that all her engagements should be made good. It is not fitting that a country like England should repudiate her existing engagements, and I agree with the hon. Gentleman that we ought to stand by them, and to take care that they are fulfilled. It is well, therefore, not only for this country, but for all parties, that the other Powers of Europe should understand what are the treaties by which England considers herself bound, in order that, on entering into the discussion of the question in which these engagements may be involved, it may be known beforehand that which we may fairly and justly be called upon to do. The hon. Gentleman is perfectly correct in saying that the guarantee which was given by this country to Denmark was also given on the same occasion by the Government of France.

The hon. Gentleman has animadverted upon the course pursued by a person for whom I have the honour to feel the greatest respect and attachment—the Prussian Minister at this Court, in publishing the pamphlet alluded to by the hon. Member in the course of his speech. I must say, however the hon. Member may differ from the arguments and style of reasoning of that pamphlet, that no man who will place himself in the position of the Chevalier Bunsen, sent over here to protect Prussian interests, will be disposed to blame him for having published what he considers to be a just statement of the case of his Government; and whether that case be denied or affirmed, I think no one is entitled to censure the Chevalier as having departed from his proper duty in laying before the public, at this crisis in the affairs of Europe, those arguments which, in his opinion, afford sufficient justification of the conduct of Prussia. I am not now entering into those arguments; but, altogether irrespective of them, I may remark that I think the censure cast by the hon. Member upon the Prussian Minister was not altogether well-founded.

I will say no more. I have stated my perfect concurrence in the observation of the hon. Gentleman, that former guarantees, given by treaty, ought to be respected; and I must remind the House of what I stated on a former occasion, that, in the present case, whatever may be the right on either side, the purpose for which the Prussian troops have entered Holstein, and the purpose for which they would cross the Eyder into Schleswig, is, not to wrest the Duchy of Schleswig from the Danish Crown, but to support a party in Schleswig who hold that the ancient constitution and laws of the duchy entitled them to be incorporated and attached to Holstein, instead of being incorporated and attached to Denmark. It is, therefore, no attempt to conquer Schleswig; it is, however, no doubt an intervention in the internal affairs of the duchy with reference to the future line of succession which ought to prevail. I can only express my hope that a matter which, if pursued to extremities, might lead to consequences seriously affecting the peace of Europe, may be adjusted by an amicable negotiation between the parties; and I should really trust that the statesmen of both countries, viewing the disturbed and dangerous condition of nearly all parts of the continent of Europe, would not allow a question which, as the hon. Gentleman has pointed out, has no immediate practical application, but which belongs more to contingency, arising only after the death of two living persons, to lead to results which every reasonable man would have deeply to deplore.

Mr. URQUHART observed, that the present was not a question of right, but a matter of violent oppression — of an invasion, in fact—which had actually taken place.

Motion agreed to.

GAME CERTIFICATES—HARES.

MR. COLVILE moved that the House do go into Committee upon the Game Certificates for Killing Hares Bill.

MR. ADDERLEY rose to move—

> "That it be an Instruction to the Committee that they have power to extend the operation of the Bill to enable occupiers of land, having a right to kill game on that land, to do so, by themselves or persons authorised by them, without being required to take out a game certificate."

He was sorry to occasion any delay to the Bill of the hon. Member for Derbyshire, but the subject was one of great importance, and the hon. Member sought by his Bill to deal with the question in detail, whereas he thought it should be treated upon a broader and more general principle; and all he proposed to do was to enlarge the Bill, and to extend it to game generally, instead of confining it particularly to hares. He considered it most desirable that they should deal with the question at large. Game might be considered either with reference to luxury and sport, or with reference to agriculture and the interests of landlord and tenant. A measure had been proposed by the hon. Member for Manchester (Mr. Bright); but his object was a national object, not merely affecting landlord and tenant, but which involved the interests of the public at large. He agreed with the hon. Member for Manchester in regard to the evils of the present system, and that the attempt to introduce wild sports into a country in a high state of cultivation was open to two very material objections: it tended to obstruct the improve- of agriculture, and it also held out to the public *mala prohibita* in such a shape as to lead certain classes of the people to think there was no impropriety in infringing the law. So far, therefore, he agreed with the hon. Member for Manchester. But what was the remedy the hon. Member proposed? Surely the hon. Member did not expect that the House would consent to his sweeping interference with the rights of property. At the same time, if he saw no other remedy, the evils of the existing system were so great, that he should be prepared to adopt the remedy he proposed, violent as it was. But he could see a remedy less violent, by an inducement being held out by the House to a voluntary action, and that was the only action they should seek to create. He considered that the Bill of the hon. Member for Derbyshire, enlarged as he proposed by his instruction, would offer many facilities for the reduction of the evil, and would tend to conciliate the public. He would likewise hold out to game preservers that the measure so enlarged would give them a better mode of preserving game than hitherto. To those who desired and expected to put down game, no other meaure than that which he proposed was practicable. They could not interfere compulsorily with the rights of property; and the measure he proposed held out no encouragement to the voluntary action, which was the only action to effect the object which all had in view. This was a measure not likely to interfere with the revenue, and on that ground to justify an objection by the Chancellor of the Exchequer. He only proposed to abolish certificates where certificates would not now be taken out; and the Bill of the hon. Member for Derbyshire, to which the Chancellor of the Exchequer did not object, would affect the revenue as much as his proposal. The Chancellor of the Exchequer had thrown away the other night more than 40,000*l.* of copper duties; and he thought the right hon. Gentleman might deal with small branches of revenue and relinquish them, when a great moral advantage could be attained thereby.

The EARL of MARCH thought his hon. Friend the Member for Derbyshire had done wisely in applying his Bill to hares, and that the hon. Member for Staffordshire (Mr. Adderley) had assigned no reason for his alterations, to which he should offer his most decided opposition. As to the argument drawn from the Chancellor of the Exchequer giving away 40,000*l.* of copper duties, it was no reason, because the right hon. Gentleman had done one foolish thing, that he should do another.

MR. SEYMER thought if farmers were permitted to kill hares on their farms, the number of them who would take out certificates would be extremely few indeed. The objections to the proposition of his hon. Friend (Mr. Adderley) should come from the Chancellor of the Exchequer, rather than from the benches behind him. It should be recollected that by the existing law the farmer had a right to destroy game on his farm where no compact to the contrary was in force; and he was convinced that no Act would be as effective in carrying out the wishes of the landlords as would be arrangements with their tenants. The hon. Member for Manchester was called on to support this Bill, for though it might not go as far as he wished, it was impossible for him to deny that it was a step in what he called the right direction. The hon. Member contended that farmers had very great objections to game, and that they would destroy it wherever they could. He was of a totally different opinion. Well, then, let them see which was right. Let the tenant have the choice of preserving or destroying as he pleased. With respect to the practical effect of the measure, he believed it would be found that while hares would not be too abundant, they would be quite numerous enough. The hon. Member for Manchester seemed to ridicule the idea that shooting was a manly or invigorating exercise; but if he would just walk from ten till six o'clock in a Lancashire potato field with a gun on his arm, he would soon alter his opinion. He would support the proposition of his hon. Friend.

Mr. HALSEY supported the Bill because it would lead to fair arrangements between landlord and tenant as to the right of shooting. He could not at all agree to the proposition of the hon. Member for North Staffordshire, for he believed the damage from winged game to be very small comparatively. From various conversations with tenant-farmers, and from his own observation, he was convinced the loss inflicted on growing wheat by winged game did not exceed one per cent of the whole damage. The great source of mischief was the abundance of hares. He hoped the Bill would not be interfered with, but would pass the House without the proposed alteration.

Mr. COLVILE said, when the hon. Member for Staffordshire sought to introduce into his (Mr. Colvile's) Bill a measure so foreign to the object he had originally proposed, and so irrelevant to the principle embodied in it, he hoped the House would assist him in resisting it. So utterly alien was the proposition to the spirit of his Bill, that it might have been introduced into a Landlord and Tenant Bill, or any other Bill. If the hon. Member had chosen to bring in a Bill, it might have been discussed on its own merits. The preamble of the Bill before the House set forth that—

> "Whereas it having been found that much damage has been and is continually done by hares to cultivated land, and great loss has occurred thereby to occupiers of land, it is expedient that occupiers of land should have power to kill hares."

He utterly denied that partridges did the damage to the land which had been attributed to them. The evidence taken before the Committee on the Game Laws supported him in the assertion, that hares were the great culprits, and that they ought to be put in the same category with rabbits. The Committee had passed an unanimous resolution that it was desirable to pursue the course he had adopted.

Mr. P. BENNET said, the Bill was calculated to satisfy many and to emulate more of those farmers who occupied lands situated under the cover of a neighbour whose game was highly preserved. He thought the Bill would put the owners and occupiers of land upon fair terms. He was against all interference with the rights of property; and he thought that, whilst the Bill would not place either owner or occupier generally in a better or worse situation than at present, they would settle matters between themselves far better than by Acts of Parliament. The Bill would, however, be serviceable in a moral point of view, as it would diminish poaching, which was generally pursued in consequence of the value set upon hares, and the wish of the occupier to have them reduced; whereas by the proposed Bill he would have an interest in the property. If the Chancellor of the Exchequer were enabled at a future time to reduce the malt tax, and thus free the poorer classes from the temptation of frequenting the beer-houses, he would attack the root of poaching at once, and enable the cottager to enjoy with his family the beverage his labour had assisted in producing.

The CHANCELLOR of the EXCHEQUER must say a few words upon the Amendment of the hon. Member for Staffordshire. He did not object to the Bill of the hon. Member for Derbyshire, which gave occupiers power to kill hares without a game certificate; but he should not be justified in sacrificing so much revenue as the proposition of the hon. Member for Staffordshire would amount to. If parties went out shooting for the sake of the sport, it was reasonable that they should pay the tax; but if parties destroyed hares merely with a view of preventing damage to their land and property, that was a different consideration. He should have no objection to grant full power to kill any game that occasioned damage to the agriculturist; but he hoped the House would not lose sight of this. The Committee on the Game Laws, in their report, stated that the damage done by winged game was quite inappreciable, as compared with the damage done by hares and rabbits; and therefore, although he was ready, with the hon. Member for Derbyshire, to make hares rabbits, yet he was not willing to go the length of making partridges rabbits. The duty on game certificates amounted to 160,000*l.*, and it was impossible to say how much of that would be affected by extending the operation of the Bill to all kinds of game; and he could not consent to give up any portion of that duty in favour of persons who went out to shoot for the purpose of sporting.

MR. BRIGHT said, he had understood the Bill brought in by the hon. Member for Derbyshire to have been founded on some recommendation of a Committee; but, as far as he could now discover, there seemed to be no reason for any such supposition. As to the Committee, the report of which on this subject had already been referred to, he would only say, that a great deal of evidence had been laid before that Committee, and that nothing could be more at variance than was that evidence with the report. The present proposition he regarded as quite worthless. Under its authority persons could merely kill hares, and even that they could not do except in those cases in which they had previously obtained the leave of their landlords. He had listened attentively to the present debate, and he had heard no argument whatever, showing that the Bill had the least tendency to destroy the evils which sprang out of the game laws. The evidence before the Committee proved that rabbits were as mischievous as hares; yet passing the present measure would leave matters precisely as they had been. But that ought not to form the principal object of legislation with the House of Commons at the present day. Their object ought to be to improve the morals of the people. He had always thought that that constituted the real question before the House. The right hon. Gentleman the Chancellor of the Exchequer told them, that the injury done by winged game was inappreciable. He could not say how the case might stand with respect to partridges; but he believed there could be no doubt of this, that the pursuit of pheasants gave rise to some of the most fatal encounters that the annals of game-preserving presented. He believed there was no one who, possessing competent information, and dispassionately considering the question, would contend that it was the duty of the House to pass the present Bill. It appeared to him that it would be much better to withdraw the Bill, and permit the Government to introduce a better and a larger Bill; at the same time that, if the hon. Member for Staffordshire went to a division, he should certainly feel bound to vote with him.

SIR J. TYRELL observed, it would be quite unreasonable to expect that the hon. Member for Manchester should be content with such a measure as the present, considering the views which on some occasions he had expressed with regard to the game laws; and yet, after all, the hon. Member for Manchester ought to be content with what he had obtained—a Committee had been granted to him, and he ought to have been satisfied with that. Besides, he ought to have dropped his opposition to the game laws when the corn laws were repealed. It had all along been understood that the propositions of the hon. Member for Manchester about the game laws were merely to be used as a lever for carrying on his opposition to the corn laws: that object having been accomplished, he really did think that the hon. Member for Manchester ought now to rest satisfied. That hon. Member and other Gentlemen talked frequently of the injury which agriculturists sustained from the alleged depredations of game; but he believed that those grounds of complaint frequently occurred where land was ill-farmed. The present matter presented a striking exemplification of the difficulty of legislating upon trifles; but he did think that the Bill now before them ought to satisfy all the reasonable Members of that House. He could very well understand that Gentlemen who resided in Lancashire and other thickly inhabited districts felt but little sympathy with persons who pursued field sports; but that was not the question before them. The hon. Member for Manchester had brought in his Game Bill for the purpose of setting the farmers against the landlords; and, as there was now no occasion for continuing that species of warfare, the hon. Member ought to be satisfied with the triumph that he had obtained, and not meddle with matters which he did not understand.

MR. H. BERKELEY had always been ready to repeal the game laws, provided the House were ready to introduce some measure for the protection of property. The hon. Member for Manchester spoke of the murders which had taken place, as if the men who were executed were condemned for killing a cock pheasant, and not for the crime of murder. Who had the sympathy of the hon. Member? Why the murderer, and not the murdered man. When a man was executed for the murder of a gamekeeper, it was said, "Here is another victim to the horrible and bloody game laws." It was never reflected that that murder was committed upon an unfortunate man who went forth to protect the property of his master. Such a man, after having faithfully served his master for a number of years, was murdered, and he received no sympathy from the hon. Gentleman; but take a man to the foot of the gallows, and he was instantly received with the pseudo sentimental whine of the hon. Gentleman. He would be the last man in the world to keep a law on the Statute-book that would be productive of demoralisation; and when the hon. Gentleman found fault with the existing law, after having obtained a Committee of Inquiry, the report of which Committee was against him, instead of making inflammatory speeches, he should propose some practical remedy. Take away the present law, and a gentleman might find thirty or forty fellows in his garden some fine morning, who, under pretence of searching for game, might make free with the poultry, or anything else they might find convenient.

Mr. S. CRAWFORD agreed with the hon. Member for Manchester. The Bill seemed to him to be nothing but a delusion, for it did not go to the root of the evil; no Bill would be worth having that did not let every man shoot the game that fed on his land.

Colonel SIBTHORP had had for some time in his hands a petition from persons licensed to deal in game, complaining of the unfair rivalry carried on against them by hawkers. Every one who knew anything of the subject knew that the gamekeeper was the best protector of the farmer's true interests.

Motion for an instruction withdrawn.

House in Committee.

On Clause 4,

Mr. G. BERKELEY proposed to add words, with the view of preventing any person, not having obtained an annual game certificate, from destroying hares by "firearms or guns of any description."

The Committee divided on the question that the words be added:—Ayes 49; Noes 44: Majority 5.

House resumed. Bill reported.

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, April 20, 1848.

Minutes.] Public Bills.—2ª Exchequer Bills; Public Works Completion (Ireland).

3ª and passed:—Crown and Government Security; Exchequer Bills; Public Works Completion (Ireland).

Petitions Presented. From the Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for an Extension of the Provisions of the Benefit Societies Act to that Order.—From Bulwick, and the Parish of Dallington, against the Admission of Jews into Parliament.—From Devizes, for the Imposition of the Severest Penalties on all those Roman Catholic Priests who shall Denounce Persons from the Altar.

CHARITABLE TRUSTS.

The Bishop of OXFORD wished to put to the noble and learned Lord on the Woolsack a question on a subject of very great interest to the country—he meant the subject of Charitable Trusts. He thought he had understood the noble and learned Lord to say, that with respect to minor charities he saw no great difficulty in introducing some measure for their better regulation; and he wished to ask the noble and learned Lord whether he was able to give any hope that in this Session of Parliament he would introduce such a measure?

The LORD CHANCELLOR was understood to say, that with respect to the minor charities it was his intention to introduce a measure for their better regulation, and he hoped he should be able to pass it in the present Session.

CROWN AND GOVERNMENT SECURITY BILL.

The LORD CHANCELLOR moved the Third Reading of this Bill.

Lord BROUGHAM begged to take that opportunity of remarking that the ordinance of the French Provisional Government abolishing capital punishment for all political offences had been very much eulogised, and had been recommended as fit to be adopted in this country. Now, that might be a very proper ordinance for the French Provisional Government to pass, in order to preclude the possibility of those dreadful scenes recurring which had disfigured the former revolution; but he was not so sure of the expediency of adopting a similar law in this country. He had no objection to the abolition of capital punishments for political offences, provided he was told that capital punishment was to be abolished for all other offences; but he would maintain, upon the soundest principles of criminal jurisprudence and penal legislation, that as long as capital punishments were continued for any class of offences, there was no man who so well merited the penalty of death, as he who was guilty of what was called political offences of the graver sort, such as high treason, compassing or imagining the destruction of the Sovereign, or the subversion of the Government; for, in his opinion, these were the greatest crimes of which mortal man could be guilty, involving as they did civil war, and the destruction of the peace of the community. For that reason, therefore, he thought that such offences ought to be visited with the severest punishment appointed by the criminal code. There was another reason why high treason should be the most severely punishable of all offences, and that was because while murder, and other offences, naturally excited either the horror or the indignation or the scorn of mankind; he was sorry to say that political offences, even that of high treason, were with the unreflecting multitude not exposed to that horror, indignation, and scorn, but, on the contrary, were too apt to find favour with them, and to meet a respect from them which from other crimes was withheld. That, therefore, was an additional reason why such offences should, by law, be more rather than less severely punishable than others. He did not intend to say that he did not approve of the remission of capital punishments in the cases pointed out under this Bill; but he was strongly of opinion that it ought to be retained in the graver cases of high treason. He was not sure but it might be an improvement of the law that the distinctions between the modes of trial in cases of high treason and in cases of capital felony should be done away with; but he would not enter into that question at present.

Lord CAMPBELL begged leave to say, that he concurred in almost everything that had fallen from his noble and learned Friend; because it seemed to him, however well the French had legislated for their own country in this matter, the adoption of such a law generally would be attended with the most pernicious consequences. High treason was not only the highest offence known to the law, but it was an offence most destructive to the interests of society. He thought, therefore, that in such cases the penalty of death was essentially necessary. The temptation was so strong to seek notoriety in this way, as well as the irregular possession of power, that there was the greatest danger that the peace of society would be disturbed by such offences, unless they were made severely punishable. At the same time, he must say that he adhered to the Statute of William, which was passed after the Revolution, upon grave consideration, and which provided that where the State prosecuted for high treason, all the usual precautions and safeguards should be strictly observed.

Lord CREMORNE said, that as no Peer connected with Ireland had yet addressed the House upon the Bill then under consideration, he begged in that capacity to be allowed to say a few words. He would be the last person to advocate or support any measure which tended unnecessarily to curtail the privileges of the people; but he considered that some change in the law was absolutely necessary, because the liberty of speaking and writing had of late years been very much abused, particularly in Ireland. He thought that the loyal people of Ireland had very much reason to call upon the Legislature to adopt some measure to prevent the dissemination of sedition and treason throughout that country; and he considered that the passing of this Bill would prove an important benefit to society generally, inasmuch as he hoped it would put a stop to the progress of sedition, and, above all, to that longing after martyrdom which was so common in the present day.

The Bishop of OXFORD was desirous of procuring an explanation from the noble and learned Lord opposite (Lord Brougham) with respect to a few words which had dropped from him a little while ago. It had struck him, as well as other Peers near him, that the noble and learned Lord, when he put the hypothetical case, that unless capital punishment was done away with for everything, he should be sorry to see it done away with for treason, seemed to imply that his regret would not extend to that case if capital punishments were done away with for everything else. Now, he knew the noble and learned Lord did not mean that—[Lord Brougham: Hear, hear!]—but as there was a party out of doors who were clamouring, as he thought very absurdly, for the abolition of all capital punishments, and for giving up the highest right of the State as the administrators of justice from God to man, he was anxious to prevent its going forth to the public that the noble and learned Lord had given his sanction to an opinion of so mischievous a tendency.

Lord BROUGHAM was much obliged to the right rev. Prelate for asking this explanation, for nothing could be further from his intention than to give expression to any such opinion as that to which his right rev. Friend had referred. He probably had expressed himself with the less precision, because it was so well known that he had repeatedly stated that he did not belong to that sect of law reformers who were against all capital punishments. He had worked hard, as their Lordships were aware, for the reduction of the number of capital punishments; but he had never held that in the present state of society we ought to give up that great engine in deterring from commission of crime, capital punishment. On the contrary, he was quite astonished to hear able and ingenious men say that we had no right to inflict capital punishment, because we were commanded by the highest authority not to kill—forgetting that the very same authority had said, that "whoso sheddeth man's blood, by man shall his blood be shed." They even misapplied this latter text, when they said that it excluded all cases except murder. One objection very much urged against capital punishments was, that they were irrevocable. Why, so was every punishment. If he had been banished for fourteen years to Botany Bay, he should like to know who could give him back his fourteen years? He referred to these things to show that he had not the slightest doubt in his mind about the propriety of retaining capital punishments in certain grave cases.

Bill read 3^a and passed.

House adjourned.

HOUSE OF LORDS,

Saturday, April 22, 1848.

MINUTES.] PUBLIC BILLS.—*Received the Royal Assent.*—Exchequer Bills; Crown and Government Security; Mutiny; Marine Mutiny; Borough Police Superannuation Fund; Public Works Completion (Ireland); Leases of Mines (Ireland).

PETITIONS PRESENTED. From Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for the Extension of the Provisions of the Benefit Societies Act to that Order.

House adjourned till Thursday the 4th of May.

HOUSE OF COMMONS,

Saturday, April 22, 1848.

MINUTES.] PUBLIC BILLS —1^o Lunatic Asylums (Scotland); Evicted Destitute Poor (Scotland).

PETITIONS PRESENTED. By Mr. Hume, from Deptford, for Reform of the Representative System.—By Captain Gordon, from Aberdeen, for Ameliorating the Condition of Schoolmasters (Scotland).

THE POOR LAW—MR. COCHRANE.

MR. J. A. SMITH having seen an advertisement in some of the morning papers to the effect that the Home Secretary had given his permission to the presentation of a petition relative to the poor-laws at the Home Office, accompanied by a large procession of persons, wished to know from the right hon. Baronet whether that were really the case?

SIR G. GREY had seen an advertisement professing to proceed from Mr. Charles Cochrane, and stating that an address was to be presented at the Home Office, accompanied by a very large assemblage of people, and adding, much to his surprise, that the Secretary of State had considerately declared that he would offer no opposition to such a mode of proceeding. That allegation was totally without foundation; for, three weeks ago, Mr. Cochrane had been told that no address to Her Majesty could be received by the Secretary of State, if accompanied by a large number of persons. The Police Commissioner had received instructions, which he was prepared to carry into effect, to prevent such a procession proceeding through the streets, to the hindrance of business and the injury of trade.

House adjourned at Three o'clock until the 1st of May.

HOUSE OF COMMONS,

Monday, May 1, 1848.

MINUTES.] PUBLIC BILLS.—1^o Borough Elections.
2^o Removal of Aliens; Collectors of Cess (Ireland); Evicted Destitute Poor (Ireland).
Reported.—Insolvent Debtors (India).
3^o and passed:—Indemnity.

PETITIONS PRESENTED. By Sir R. H. Inglis, from Berkshire, against, and by Mr. Disraeli, from Chipping Norton and Brill (Buckinghamshire), in favour of the Jews Disabilities Bill.—By Mr. G. S. Duff, from Elgin and Banff, for the Better Observance of the Lord's Day.—By Viscount Bernard, from Inhabitants of the District of Glanmire, complaining of the Conduct of the Roman Catholic Clergy (Ireland).—By Lord Rendlesham, from Halesworth, against Concessions to the Roman Catholics.—By Lord Ashley, from Bath, against the present Scheme of African Emigration.—By Mr. Disraeli, from Inhabitants of the Parish of St. Elizabeth, in the Island of Jamaica, for Consideration of the West India Colonies; and from Oxford and Eaton, against the Property Tax Bill.—By Sir De Lacy Evans, from Samuel Brandon, of 163, Strand, London, for Amendment of the Games and Wagers Act.

TOBAGO RELIEF BILL.

House in Committee on the Tobago Relief Bill.

The CHANCELLOR OF THE EXCHEQUER said, he doubted not that the circumstances which had rendered the present measure necessary must be well known to the greater number of Members then present, inasmuch as papers containing full information on the subject had for some time been before them. They were, of course, aware that that colony had been desolated. It was not, however, his intention then to propose for their consideration the extent to which property had been destroyed, but it was necessary for him to remind the House that upon similar occasions it had been the almost invariable practice of Parliament, when a colony suffered from unforeseen and unavoidable calamity, to render the species of assistance which it would be his duty on that occasion to propose to the House. When the first intelligence of that painful occurrence reached this country, Her Majesty's Government thought it their duty to make an advance for the purpose of affording immediate relief to the extent of 5,000*l.* Great numbers of persons were at that moment in a state of utter destitution, and it was absolutely necessary to afford them at least temporary relief. It now became necessary to propose to Parliament that they should sanction the aid thus afforded to a portion of our fellow-subjects, whose interests had been affected to a vast and distressing extent. It would be his duty to propose two votes; but the first of these would be for the sum of 5,000*l.* granted under the circumstances and upon the grounds that he had just stated. He had said that upon other occasions of a similar kind aid of a like description had been afforded; and he now held in his hand a list of the colonies to which, under the same circumstances, relief had been supplied; amongst the number he might mention St. Vincent's, Barbadoes, Jamaica, Dominica, and Montserrat. He should not, upon the present occasion, detain the House longer than to add that the papers before them contained abundant evidence to show the necessity and the justice of the proposed vote, and he should therefore, without further preface, conclude by moving—

"That the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland be authorised to direct the issue, out of the Consolidated Fund of the said United Kingdom, of any sum not exceeding 5,000*l.*, for the relief of certain of Her Majesty's subjects in the Island of Tobago, who have suffered losses in consequence of a hurricane in that Island in October last."

Resolution agreed to.

The CHANCELLOR OF THE EXCHEQUER moved the following Resolution:—

"That the said Commissioners of Her Majesty's Treasury be authorised to direct advances to be made, to an amount not exceeding 50,000*l.*, out of the said Consolidated Fund, or by the issue of Exchequer Bills, under certain regulations and restrictions, and upon due security being given for the repayment thereof, for the relief of persons connected with the Island of Tobago, in consideration of losses sustained by them, in consequence of a hurricane in that Island in October last."

Mr. HUME feared the present proposition was only the first of many others which it would be necessary to make on behalf of our West India colonies. Now, he wanted to know the principle and the grounds upon which the House were called upon to pass such a vote as the present, especially when there was every reason to believe that there existed in the colonies a strong disposition to resist altogether the collection of taxes, and a decided unwillingness on the part of the inhabitants of those islands to incur any such responsibility as was now proposed to be fixed on them? He wanted to know what security the Government could have for the repayment of this money?

The CHANCELLOR OF THE EXCHEQUER said, that the sum of 50,000*l.* had not been advanced, nor was there any intention of advancing it until sufficient security for its repayment could be obtained. He begged hon. Members to remember that the course which the Government now proposed to the House to pursue was in strict conformity with what had been adopted upon other and similar occasions. In the present instance the loan had been solicited, security had been offered, and the whole was a *bonâ fide* transaction.

Resolution agreed to.

The CHANCELLOR OF THE EXCHEQUER had a third resolution to propose, which might require larger explanation than the preceding propositions. It might perhaps be thought, that under the notice as it stood on the Paper of Saturday, the 22nd of April (the last day on which the House sat), he was scarcely entitled to bring under their notice a proposition regarding the immigration of free labourers; but he begged to remind hon. Gentlemen that the latter part of the notice was in these words:—

"And of authorising advances out of the Consolidated Fund, or by the issue of Exchequer Bills, for promoting the immigration of free labourers into the colonies of British Guiana and Trinidad.

Of course, hon. Members were well acquainted with the great importance of facilitating and encouraging the immigration of free labourers into our West India colonies; he meant free labourers who might proceed thither from the East Indies or from the coast of Africa. In the year 1844 application had been made upon the subject to Lord Stanley, who then held the seals of the Colonial Department. The object of that application was to induce him to authorise the immigration of Coolies, and it was well known that that noble Lord looked upon the proposition with some degree of hesitation; at length, however, he was induced to authorise the colonies of Guiana, Trinidad, and Jamaica, to raise money for that purpose by way of loan. By the two former of those colonies money was borrowed for this purpose, and Lord Stanley sent to the agents at Calcutta and Madras directing them to send 5,000 Coolies to Guiana. It appeared that 4,500 were in the first instance sent, and subsequently 5,500, making in the whole 10,000 free labourers for that colony, at an expense of 75,000*l.* The Land Commissioners proposed to raise a sum of 100,000*l.*, but it appeared that some legal or technical difficulties stood in the way of that proceeding, and they were not in 1846 able to raise the money; but in the course of the last year those difficulties were removed, and under these circumstances Her Majesty's Government thought that they could advantageously interfere and assist in the object in view. He should observe that since then 3,778 Coolies had been sent to the colony of Guiana, 4,276 to Trinidad, and in both cases those colonies had agreed to pay interest on the loans. He had, therefore, now to propose—

> "That the said Commissioners of Her Majesty's Treasury be authorised to direct advances to be made, to an amount not exceeding 170,000*l.* on account, out of the said Consolidated Fund, or by the issue of Exchequer Bills, under certain regulations and restrictions, and upon due security being given for the repayment thereof, in aid of Loans authorised by the Legislatures of British Guiana and Trinidad, for promoting immigration of free labourers into those colonies."

MR. BARKLY did not think that a proposition of this kind could have any appreciable effect in enabling the British sugar colonies to make anything like a successful stand against those who produced sugar by slave labour. He knew that, according to the old adage, he ought not to look a gift horse in the mouth, and that the colonies ought gratefully to accept whatever they could get; still, looking at the circumstances of the British West India colonies, he thought there was no ground for indulging any great hope from the proposition now before the House; at the same time, he was quite ready to admit they ought not now to anticipate the general debate upon the state of the West Indies. He was not disposed to disparage the benefit intended to the West Indies by the present loan; but he was suprised to find the right hon. Gentleman the Chancellor of the Exchequer confining the application of the money to past expenditure on account of Coolie immigration; for, on referring to a pamphlet which embodied the views expressed by the right hon. Gentleman to the House on a former occasion, he could not find anything which would lead the House to suppose that the application of the money would be so limited. He did not mean to say that the right hon. Gentleman wished to state anything calculated to induce the House to believe that a greater boon was intended to be conferred on the West India interest than now appeared to be the case; but it was the universal feeling among the colonists themselves that they would be assisted by the Government to get free African labourers, in order to enable them the better to compete with the slave labourers. It was unfortunate that such a mistake should have arisen, and the disappointment would be bitter when the object of the loan became known. He asked the House why these colonies should be in such a position that they could not raise money on their own security at 5 per cent, when the current rate of interest was not above 4 per cent? This was a strong proof of the hopeless state in which these colonies were. The colonies were too poor and distressed to reject any expression of sympathy; but he did not wish the House to suppose that, in voting the money, it was about to perform any magnificent act of generosity.

MR. HUME would not deny any one of the hon. Member's statements of the difficulties under which the colonies laboured, from Government management—indeed he believed the hon. Member had greatly understated those difficulties; but his objection to the present grant was founded on totally different grounds, and he should divide the House on the point. By the rules of the House no money should be spent by the Government without the consent of the House, except in cases of extreme emergency, like that for which the 5,000*l.* was voted; but since 1844, the

Colonial Office had entered into negotiations with the colonies, by which the House had been pledged to vote large sums of money for their use. For instance, when the Court of Policy of Trinidad desired to raise a loan, and could not do so, the Colonial Office stepped in to their aid, and pledged the House to indemnify them. It was utterly fallacious—it was a perfect delusion—to suppose that, as these colonies were situated at present, they would ever be enabled to repay one shilling of any sum that might be lent to them. There was a time when they could have done so; but their credit was now gone, and such was the deplorable financial condition of the colony, that the Government had been compelled to curtail their expenses, by reducing the emoluments of their servants. Therefore, if they advanced the money, they might as well do so as a grant, for none of it would ever be repaid. The right hon. Gentleman (Mr. Gladstone) was not less culpable than any of his predecessors, for he sanctioned the emigration of Coolies, at an expense which he pledged this country to pay by loan. He objected to the principle of the Colonial Office advancing public money, and making the House responsible for these grants. [The CHANCELLOR of the EXCHEQUER: This is a loan.] His objection was not done away with on that account. If the House granted the money, it should only in the way of gift; but, at all events, the system adopted in the Colonial Department ought to be wholly changed. He protested against the existing colonial system. If our colonies were to be kept up, let the colonies themselves manage their own affairs. Do away with the Colonial Office and the interference of a Colonial Minister, and allow the colonies to appoint their own officers, and expend their own money in their own way. Let this system be tried, and then we should see how the colonies would be able to manage their own affairs. If the present loan was granted, it must be considered in the nature of a gift, for he was certain that, owing to the state of the colonies, it would never be repaid to this country. He proposed that the report of the Committee now sitting on colonial affairs be first prepared and laid on the table, and then we could take into consideration what was most fitting to be done—either to maintain the colonies, or to leave them to their fate.

MR. GLADSTONE agreed in the impolicy of advancing money to the colonies, and in the policy of leaving the colonists to settle colonial questions themselves. He, however, conceived there was some mistake about this particular loan. He was afraid the colonists had been unfortunately advised in this matter. Many demands had been made, which, if proper to have been complied with, ought to have been granted long ago. The hon. Gentleman had stated that whatever gratitude was due for this vote, ought to be paid to the late Government. Now, he begged to say that no part of the responsibility of asking for money belonged to the late Government. The late Government had nothing to do with the matter, beyond undertaking what he would call the mechanical part of the business—the raising of a loan on the credit of Government. Beyond this, Government were in no way concerned, and were not responsible for anything further. For the subsequent history of the transaction the late Government were not responsible. He did not know why the delay in getting the money had occurred. There was nothing in 1846 to prevent the colonists from raising the money on their own resources. The explanation of the delay was only to be got from the present Government; and it was a mistake to say that the late Government were at all responsible for the matter.

The CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman was correct in saying that the present application was not one that was sanctioned by the late Government; but he did not say the reason was because circumstances had not then occurred to make the grant advisable. The right hon. Gentleman, and his predecessor, Lord Stanley, did sanction the measure for promoting the immigration of Coolies into the West Indies; they did undertake what the right hon. Gentleman had described as the mechanical part of the business; and they had sent out orders to the East Indies on the subject, by which expenses had been incurred. The colonists were to raise loans as they could; and it was quite clear that the right hon. Gentleman sanctioned the expenditure which had taken place. There was a delay in issuing the ordinances; and had that delay not occurred, there was no doubt the colonists would have been enabled to raise money on their own security. The unfortunate circumstance connected with the detention of these ordinances was, that the money market was in such a state of confusion when they reached this country, that it was impossible to obtain the money. It was on failure to obtain the money in 1846 that it was proposed by Government to lend the colony the money. But when hon. Gentlemen said that the liability of this advance was on Government, he begged to correct the mistake, and to say that the liability was on the colony. Bills were drawn on the colony, and the colony was liable for the amount; Government only lent their name to sanction the li bilities which the colony incurred, and which it was bound to discharge. The liability was, therefore, on the colony, and not on the Government. The hon. Gentleman opposite (Mr. Barkly) had stated that he had misled the House, and had led the colony to suppose that the 200,000*l.* was for further promoting immigration from Africa to the extent of that sum. If the hon. Gentleman would read the pamphlet through, which he had quoted, he would find it clearly and fully stated that immigration had been sanctioned by Lord Stanley, and that his noble Friend (Earl Grey) had not attempted to interfere with arrangements which he found in existence when he came into office. The hon. Gentleman would find that immigration was then in progress, and that the colony was unable to get money in consequence of the pressure on the money market. Under existing circumstances he thought it right to sanction a loan of 200,000*l.* to the colony, stating that the amount was to cover liabilities already incurred of 166,000*l.*

Sir R. H. INGLIS said, the two right hon. Gentlemen appeared to think there was no difference between their explanations; but he saw a considerable difference. Both admitted their responsibility, but each differed about their share in it. With reference to some remarks which had fallen from the hon. Member for Montrose, he must say, though he seldom agreed with that hon. Gentleman, yet in those remarks he did agree with the hon. Member, though perhaps not in that part to which the hon. Member would desire to see attention very closely directed. He agreed with the hon. Member in saying that the colonies had been ruined by recent legislation and by colonial management. What had been the management? The equalisation of the sugar duties by the Legislature, whatever might have been intended, had affected in a serious degree the interests of the West India colonies. No person could deny the fact, though they might be averse from submitting to the censure implied in it. He conceived the colonies were entitled to the protection of the Legislature. He was satisfied they entertained a warm and grateful feeling in favour of the welfare of the mother country, and he thought, therefore, that the House ought to express a sympathy with propositions to relieve such colonial distresses as money could relieve. The hon. Member for Leominster said that there had been times when this money could have been raised on better terms; but the question was on what terms it could be raised at present. The question was one affecting the year 1848. There was a sum of 162,000*l.* for which the credit of the country was pledged, and the Government now asked for a small addition to that sum, which he hoped would not be refused. He would not encourage individuals to rely on any exertions but their own; but if the colonies were made to sustain the whole of their own expenditure, and were made responsible for such payment, they would cease to regard this country in a parental relation, which it was the happiness of this country to encourage. He should give his support to the proposition now before the House, and, in the event of a division, the Government should have his vote.

Mr. ROBINSON said, that there was a Committee now sitting to which this whole subject was referred; and, in ignorance of what the decision of that Committee would be, he had a right to assume that it might report altogether against the principle of immigration, and concur in the opinions which he held, that immigration would not suffice to sustain the colonies against the disadvantage of an equality of duties, and the admission of slave-grown sugar into this country. In that case let the House of Commons consider whether they were not throwing away 200,000*l.* in encouraging the principle of immigration. The right hon. Gentleman the Chancellor of the Exchequer had told them that the responsibility for the repayment of this money was to rest altogether on the colonies; but he took it for granted that if the colonies should be unable to pay, the money would go out of the Exchequer, and out of the pockets of the people of this country. An hon. Member had said that we had disqualified the colonies from the means and ability of paying these loans. It was by a mischievous system of legislation that the means of paying this money had been taken away from them; and he warned the Government, and advised them to reflect that with the best intentions on their part, and on the part of the Legislature generally, they might do infinite mischief, by adopting Lord Grey's system of immigration as a panacea for those evils which then afflicted our colonies. If that system should fail, what would be the effect of sending a largely increased population to the West Indies? What would be the condition of a large proportion of those unfortunate emigrants whom they had sent there? for unless something should occur to restore prosperity, they would have to give sums of money for the relief of the population of free negroes, which they themselves had created. He would protest against any system causing an immigration of free labour into the West Indies; for if they wished to restore the colonies to a state of prosperity and responsibility, they could not effect it by anything but the restoration of a system of reasonable protection, and a total prohibition of slave-grown sugar in this country.

Mr. HUME said, that the right hon. Gentleman the Chancellor of the Exchequer stated, that they were not responsible for this money; and if they were not responsible, why should they pay it? With an excess of expenditure of 3,092,000*l*., the public credit required that much caution should be exercised before advancing such a sum as 50,000*l*. No more money should be thus voted until the House knew from Her Majesty's Government how they intended to make up the large deficiency which existed. Last year the excess of expenditure over income was 2,900,000*l*.; but up to the last quarter it was 3,092,000*l*. And was it fair that the country should be now called upon to give away 200,000*l*. more to the people of another country, when they did not know how to make up their own deficiency? He did not hear of any reduction in the general expenditure, and therefore he called on the Government to come forward and inform them how this money was to be raised. He asked the House to support him in postponing this grant, even for a week. Let it be postponed even for a few days, until further and better consideration could be given to it. With regard to the responsibility, what he had said was, that if the Government allowed the colonies to get labour where they could, and pay for it as they pleased, without any interference on their part, the colonies would of course be alone responsible, and they would be in a condition to bear that responsibility. The noble Lord characterised the interference of the Government as merely a mechanical one; but it appeared that this mechanical interference was nothing less than incurring and paying the debt. He asked the right hon. Gentleman to postpone this question until the report of the West India Committee was received, and when the House would be in a position to judge better on this question. If the system should turn out a failure, let the Government take the whole debt at once rather than go through the farce of advancing the money to pay it as a loan. If the report of the Committee was what he anticipated, it would be at once incumbent on that House to change at once the whole colonial system. The United States—the seven provinces—had never asked this country for money when they were a colony of ours. They had paid all demands on them; and why should not the existing colonies do so? They would do so if the present system were altered; and he for one should oppose the present demand, which merely went to keep up an old and useless plan.

Mr. JAMES WILSON said, that hon. Members seemed to anticipate that the report of the Committee would be prepared in a few days. There was very little chance of the report of that Committee being placed on the table of that House for several weeks to come. No report had as yet been agreed upon, though he believed that there was one in progress of preparation by the chairman. It was impossible to say how long the preparation of that report would take; but there certainly was no probability of its being ready in the course of the present week or the next.

Mr. HERRIES would not enter into the question of how the responsibility was incurred; and if any sum were to be voted at all, it was hardly worth the while of his right hon. Friend the Secretary of the Colonies to a former Administration to enter into the question of how the liability was incurred. Had it not been for informal documents arriving in this country, measures would have been taken by a former Secretary for the Colonies for making loans, whereby these expenses would have been fastened on the colonies themselves. He understood that there was no doubt that this money would ultimately be paid; but it was to cover the expenses already incurred, and to enable the colonies to continue to a certain extent the system of immigration which the present Government was disposed to encourage. The proposition of the hon. Member for Montrose was, that pending the report of the Committee specially appointed to inquire into these affairs, this question should be deferred. It would be part of the duty of that Committee to consider the different modes in which assistance could be given by this country, and specially to report whether this mode of assistance were or were not efficacious. If, therefore, the Chancellor of the Exchequer would confine the present vote to the liabilities already incurred, viz., 166,000*l.*, leaving out the prospective portion of the grant, he should be quite prepared to agree with him; but if he insisted upon the whole of this 200,000*l.*, then the argument of the hon. Member for Montrose was clear and conclusive against him, and he (Mr. Herries) should be disposed to vote for the postponement of so much of the measure as related to the prospective grant. An hon. Member had said, that the House could not expect the report of the Committee for two or three weeks, and the present question was one which could very well bear a delay. With these opinions, he hoped that the Chancellor of the Exchequer would take a vote for 166,000*l.*, and postpone the rest.

The CHANCELLOR OF THE EXCHEQUER had not the least wish to make any advance for future immigration; but he objected to confine the vote to 166,000*l.* to pay the expenses of the whole immigration from the East Indies. The Government could not tell the precise amount of the liabilities, for if the agents in Calcutta, acting on their instructions, were to send 15,000 Coolies, the cost would exceed 166,000*l.* in amount; and he might have to come down to the House to ask for a further grant of 10,000*l.* or 12,000*l.*, to meet a demand for which money had already been voted. He would take the vote in the usual form as "not to exceed 200,000*l.*;" or he was willing to pledge himself not to spend more than 166,000*l.* until the House had considered the matter. He did not care whether it were 200,000*l.* or a less sum; but some margin must be left to cover unforeseen excess of expenditure.

DR. BOWRING said, the large expenditure which this vote was designed to meet ought not to have been incurred until the immigration scheme had received the sanction of Parliament; and he considered that, in the present state of our finances, this country ought not to be saddled with the payment of so large a sum.

MR. HAWES observed that, in 1844, Lord Stanley assented to Coolie immigration to the West Indies; and, in order to meet the wishes of the colonists promptly, the noble Lord gave orders that a number of Coolies should at once be sent to the colonies. The parties who urged that step gave Lord Stanley an assurance that the colonies would make good the expense incurred; and, relying upon that promise, he immediately authorised the shipment of 5,000 Coolies. The right hon. Member for the University of Oxford (Mr. Gladstone), when he was Secretary for the Colonies, also yielded to the request of the West India proprietors, and again sanctioned immigration to a considerable extent, on the assurance that the colonies would bear the expense. Subsequently emigration ordinances were passed, both in British Guiana and in Trinidad, but those ordinances were very defective. They limited the rate of interest at which money was to be raised, and it was impossible to raise any money upon them in London. It followed either that the immigration must be stopped, or that we must have again relied upon the pledge we still had, that the colonies would provide the necessary funds. British Guiana did raise 100,000*l.*, which was expended in discharging liabilities, and Trinidad raised somewhere nearly 50,000*l.* Thus had arisen the existing liabilities. Earl Grey, in the course of last year, gave his sanction to the policy previously adopted, and liabilities were incurred by the colonies to the amount of about 166,000*l.*, so far as we knew; but, though the amount actually known to be incurred was only that sum, the probability was that there had been some excess above it—it was impossible to state exactly what, whether 10,000*l.* or 20,000*l.*; in order, however, to guard against any further liability, or unwise expenditure on the part of the colonies, the whole sum proposed by Lord Grey was limited to 200,000*l.*, not to be exceeded under any circumstances. If this vote should be postponed, an instant stop would be put to immigration. No Secretary of State hitherto had looked upon the Coolie immigration with any great favour; he thought it had failed, and would come to a natural termination; but the refusal of this vote would be very unfair. African immigration, for which all the colonies were pressing, must immediately cease. A considerable number of liberated Africans had been conveyed to the British colonies, and, though no steamer was now employed in that service, sailing vessels were resorted to, and ten had been already employed in landing such persons in the West Indies, instead of Sierra Leone, and the other places where it had been usual to land them. On the whole, then, the House would observe how the policy had been sanctioned under which these Coolies had been shipped; and the House would see that the Government was not proposing to go to any unnecessary extent. It was but a loan that was proposed—a loan to the extent of existing contracts; it was not proposed to enter into any further contract, but, at the same time, it would be extremely difficult to fix the precise sum required.

Mr. CARDWELL considered that there were two distinct subjects involved in this debate—the question of Coolie immigration under a policy which the hon. Gentleman (Mr. Hawes) truly stated to have been sanctioned by successive Secretaries of State; and the question whether the credit of Great Britain should be advanced to sustain the credit of the colonies; but the hon. Gentleman had not shown that this latter policy had been sanctioned by successive Secretaries of State. Immigration, on the credit of the colony, was sanctioned by Lord Stanley in 1844, and by the right hon. Gentleman (Mr. Gladstone) in 1846; last year, as the hon. Gentleman (Mr. Hawes) was understood to say, it was sanctioned on the credit of the colony ultimately, but with a pledge that there should be the guarantee of this country. ["No!"] No? Then was this the first moment when we were to begin to consider whether we should for this purpose pledge the credit of the empire to guarantee the credit of the colony? If so, it was impossible to over-estimate the importance of the question. A Committee, as the House had heard, was sitting at this moment, which had presented, in six successive reports, the evidence taken before it, and which was now about to deliberate upon its final report; if that Committee should state that the West Indies were so distressed that Parliament ought to come forward with the guarantee of the country for the purpose of relieving them from embarrassment, Parliament would then consider that question; if they should decide in favour of it, let it not be imagined that they were taking a slight step; the credit of the country was the property of the country, and the House ought to be as careful of pledging its credit as of expending its money. But so important a step ought not to be taken in a hurry, and in the absence of the report of the West India Committee. The hon. Gentleman had stated that these colonies would be embarrassed if the sum which was known to have been already expended should not be voted; then let there be a vote of that 166,000*l.* on account, and let the consideration of the more important question be deferred till the Committee should have reported.

Mr. T. BARING would ask whether there had not been some hope, if not assurance, held out to the colonies that money should be applied to African immigration, and whether the House was not virtually responsible for more than 166,000*l.*, at least, unless they passed a vote of censure upon the Government. As to a certain sum, the Government had chartered vessels, and made themselves responsible for the expense, taking the guarantee of the colonies. But then came the question as to some 30,000*l.* or 40,000*l.*; and up got an hon. Member to say, "I am for voting what has been already spent, but nothing more till we hear what the state of the colonies is;" and the Chancellor of the Exchequer also took the same view, though quite contrary to the tenor of his speech on the appointment of the Committee, and would not pledge himself to one penny of additional expense. The proposal which he then made as something beneficial to the West India colonies now turned out to be nothing more than a consent to pay the debts for which the Government were responsible. An hon. Member (Mr. Cardwell) urged that the House would be involving itself in a novel system of giving its credit to the colonies; why, that system had already been sanctioned by what was done with regard to Canada, when it was in nothing like the distress of the West India colonies. If the Government adopted the course indicated, it would be a complete violation of the promises made to the colonies.

Mr. R. C. HILDYARD apprehended that as to the 166,000*l.* we were doing no more than voting money to meet an expenditure which we had incurred under the belief that the colonies would be able to meet it; if they were not able to meet it, it would be simply a bad debt incurred by the Imperial Government. But as to the other sum of 34,000*l.*, that involved a principle which ought to be brought on in much more solemn form; and, therefore, as to that sum, he could not support the vote on this occasion.

Lord J. RUSSELL: There have been several opinions with respect to loans to the West Indies for immigration. When I was Secretary for the Colonies, I always advised the Crown to refuse any sanction to such loans. I did it not on any imperial grounds so much as on colonial grounds, thinking that it was very unadvisable for the colonies to mortgage their revenues, and to incur debts thereby. Afterwards, when Lord Stanley and the right hon. Gentleman (Mr. Gladstone) were Secretaries for the Colonies, they sanctioned loans for immigration, but entirely to be raised by the colonies, and the interest and repayment of the loans to be defrayed by the colonies. As I understand, they did not anticipate that either the credit or the resources of this country would be required for this purpose. But, as the House has heard, after loans were sanctioned by the colonial legislatures and by the Crown, after very great expense incurred, and after orders sent out for bringing Coolies to the West Indies, the West Indies themselves became in such a state of distress that it was difficult for them to raise loans in the money market of this country in the condition in which the money market was. Then it came to be a question for the present Government whether they should not undertake to aid colonies in that distress, and enable them to pay the liabilities which had been incurred. Now, undoubtedly it is competent for Parliament to say that they will reject altogether any such proposal; but I think such a rejection would not be fair to the colonies, and would not be consistent with the usual manner in which Parliament has acted, after the Ministers of the Crown had declared that they thought the credit of this country ought to be employed for the purpose of assisting the colonies in raising these sums. Of course, pledging the credit of the country is of great importance; and I think, in principle, the right hon. Gentleman (Mr. Herries) took a perfectly fair distinction, and, if that distinction could be made in the vote, I certainly should see no objection to our carrying the proposal into effect. He said, that which has been already incurred—incurred in a different state of circumstances—and which is brought upon us by engagements that we cannot well avoid, let the House vote; but that which is to be a new proceeding, and to sanction a new principle, should be deferred till we have the report of the Committee which is sitting on the case of the West Indies. I think that principle perfectly fair. I do not believe we can say that 166,000*l.* is exactly the sum required for the purpose in question; but, I own, it does not seem to me of any great importance whether we take a sum rather beyond what we require, and there remains a surplus, or whether we take a sum rather under what is needed, and come to Parliament afterwards for the balance; I am quite indifferent as to that, and should be ready to agree to any course which this Committee may think best. The hon. Member for Huntingdon (Mr. Baring) has, I think, mistaken my right hon. Friend when he says, that because we are not ready to incur new liabilities, or to proceed according to the plan stated by my right hon. Friend in the early part of the Session, and by Lord Grey in his despatch, therefore we are prepared to abandon at once a scheme which may be advantageous to the West Indian colonies. I do not think my right hon. Friend meant to convey any such impression; certainly such was not the intention of Her Majesty's Government. What I think my right hon. Friend did intend—and what was perfectly fair—was, that he would agree to the postponement of the subject urged by the right hon. Gentleman (Mr. Herries), and that the House should have before it any further light which may be thrown upon the matter by the report of the Committee, which will very shortly be on the table. The Government, however, have already made up their minds; they would propose the votes in the manner they have now done; but it is certainly not unreasonable that the House should have all possible information in its possession before they deal with the question. I think there is no difference in principle between us and the right hon. Gentleman (Mr. Herries), and that we understand one another.

The CHANCELLOR of the EXCHEQUER reminded the Committee that the case stood thus—certain liabilities had been incurred by the emigration agents, acting under the direction of the Secretary of State; for the payment of those sums the colonies were liable, and they proposed, with the sanction of the Home Government, to raise the money on loan; but, owing to the state of the money market, the loans could not be raised, and we purposed to lend the colonies the money which they could not borrow elsewhere. He contended that nothing which he had uttered that evening was, as the hon. Member for Huntingdon had stated, in contradiction with that which he had stated at the commencement of the Session.

Mr. HUDSON would not consent to vote more money than had actually been expended, and he hoped that the right hon. Member for Stamford would divide the Committee upon that point.

The CHANCELLOR of the EXCHEQUER said, that after what had passed, he would limit the vote to 170,000*l.*

Mr. HUME said, that the concession which the Chancellor of the Exchequer had been compelled to make did not satisfy him. He protested against the Imperial Treasury being called upon to become responsible for the debts of the colonies. It must be very difficult for any person who had attended to the debate to know what the facts of the case really were. One right hon. Gentleman after another rose and repudiated the responsibility of having sanctioned the loan, and yet the country was called upon to pay the money. As far as he could make out the facts of the case, they were these:—In 1844 Lord Stanley authorised the chartering of certain ships to convey Coolies to the West Indies, the expenses attending which was to be defrayed by bills drawn upon the colonies; those bills had not been paid by the colonies; and now this country was called upon to pay them. It was necessary that the House should have Lord Stanley's orders before it, in order that it might know to what extent this country was liable. For aught that had been stated, the importation of Coolies might still be going on. [Mr. Hawes: It has been stopped.] Well, it was not the less necessary that the House should be in possession of the whole of the correspondence. It appeared from a paper which he held in his hand, that, on the 16th of February, Lord Grey wrote to the Governors of Guiana and Trinidad that the Government were determined to advance 200,000*l.* in aid of immigration to the colonies, and informing them that, if any difficulty should be experienced in paying the expense of the immigration on the spot, they (the Governors) were at liberty to draw upon the Commissioners of Colonial Lands and Emigration. What right had the Colonial Secretary to write such a letter as that? These proceedings were carried on in the dark: the credit of the country was pledged, and the first intimation the House received on the subject was, when it was called upon to pay the money. The House ought to have before it all papers bearing upon the subject. If it should appear that the honour of the country was pledged for the payment of the money, it must be paid; but then it would become the House to pass a resolution warning a Minister at his peril not to pledge the faith of the country in a similar manner again. He moved that the Chairman should report progress and ask leave to sit again, in order to afford an opportunity of obtaining all the correspondence which touched upon the question. It was not his wish to appear to bear hard upon the colonies; but the conduct of Ministers rendered it necessary that the House should make a stand on this occasion.

The Committee divided on the question, that the words proposed to be left out stand part of the question:—Ayes 76; Noes 21: Majority 55.

List of the Ayes.

Abdy, T. N.
Acland, Sir T. D.
Armstrong, R. B.
Arundel and Surrey, Earl of
Barkly, H.
Baring, T.
Bellew, R. M.
Boyle, hon. Col.
Busfeild, W.
Campbell, hon. W. F.
Cardwell, E.
Charteris, hon. F.
Christy, S.
Clerk, right hon. Sir G.
Craig, W. G.
Cripps, W.
Dalrymple, Capt.
Deedes, W.
Denison, W. J.
Denison, J. E.
Disraeli, B.
Divett, E.
Evans, J.
Evans, W.
Filmer, Sir E.
Goddard, A. L.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Harris, hon. Capt.
Hawes, B.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hindley, C.
Hope, H. T.
Horsman, E.
Hudson, G.
Inglis, Sir R. H.
Labouchere, rt. hon. H.
Langston, J. H.
Lewis, G. C.
Lincoln, Earl of
Mackinnon, W. A.
Mahon, The O'Gorman
Martin, C. W.
Miles, P. W. S.
Monsell, W.
Morison, Gen.
Newdegate, C. N.
Norreys, Sir D. J.
O'Connell, M. J.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Pinney, W.
Power, N.
Raphael, A.
Repton, G. W. J.
Rich, H.
Richards, R.
Romilly, J.
Russell, Lord J.
Seymer, H. K.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Somerville, rt. hn. Sir W.
Spooner, R.
Stafford, A.
Stanley, hon. E. J.
Towneley, C.
Townshend, Capt.

Urquhart, D.
Wilson, J.
Wood, rt. hon. Sir C.
Wyvill, M.

Yorke, H. G. R.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Bright, J.
Brotherton, J.
Brown, W.
Clifford, H. M.
Cobden, R.
Duncan, G.
Ewart, W.
Fox, W. J.
Humphery, Ald.
Kershaw, J.
Lushington, C.
Molesworth, Sir W.

Moore, G. H.
Mowatt, F.
Sidney, Ald.
Tancred, H. W.
Thompson, Col.
Thornely, T.
Turner, E.
Walmsley, Sir J.
Willoughby, Sir H.

TELLERS.

Hume, J.
Bowring, Dr.

Resolution agreed to.

MR. HUME said, that, although the Committee had decided in favour of the principle of the transaction, he would take an early opportunity of moving for the production of all papers connected with the subject.

The EARL of LINCOLN felt it necessary, after what had just fallen from the hon. Member for Montrose, to guard against having it supposed that he had voted in favour of the principle of the proceeding which had been called into question. All he had done by the vote which he had just given was to provide the means of making good payments which, he understood, had already been made by the Government; but he held himself at liberty to question the policy of the proceeding, and he entirely disapproved of Lord Grey's letter which had been referred to—a letter written when Parliament was sitting, and when the subject ought to have been brought under the consideration of the House of Commons.

House resumed, and the report of the Committee was ordered to be brought up to-morrow.

PUBLIC WORKS (IRELAND).

House in Committee on Public Works (Ireland).

The CHANCELLOR OF THE EXCHEQUER moved the following resolution:—

> "That the Commissioners of Her Majesty's Treasury be authorised to direct the issue, during the term of three years next after the 5th day of April, 1848, out of the Consolidated Fund of Great Britain and Ireland, of any sum or sums, not exceeding in the whole 945,000*l.*, to be applied by the Commissioners of Public Works in Ireland for making Loans for the purpose of completing any of the Public Works commenced under the Acts 9 Victoria, cap. 1, and 9 and 10 Victoria, cap. 107, or of carrying on other Works of public utility in Ireland; provided the total sum so to be issued from the Consolidated Fund shall not at any time exceed the amount which shall have been paid into the Exchequer in repayment of the advances for Works carried on in Ireland for the relief of Distress under the said Acts."

The right hon. Gentleman said, he need hardly remind the House that the public works which, for two years previously and up to last summer, were carried on in Ireland for the purpose of relieving the distress prevailing in that country, were so carried on to a very considerable extent. Last year provision was made for the repayment of that portion of the public money advanced on account of those works which was not included in the Parliamentary grant. The repayments were to be made by twenty half-yearly instalments. The works, the House would remember, were undertaken not for the sake of the works themselves, but for the sake of affording relief to the people. In preceding years that system had been adopted to a certain extent and within limited bounds, and had been found to answer the purpose intended. But early in 1846, it was announced by the Government that the works would not be carried on beyond a certain period, and only for the purpose of relieving the destitute poor of Ireland. The consequence was, that a certain portion of the works was stopped. Great complaints had been made on that score; and also on the ground that the works which had been performed were not in themselves those which would have been the most beneficial to Ireland. But he had already answered that objection by reminding the House that the primary object was to relieve the people, and not to promote any particular description of public works. To accomplish that object it was desirable to bring the work as near as possible to the doors of the persons wanting relief. Other works might, perhaps, have been undertaken; but then it would have required those who performed them to have gone many miles for the purpose. The utility of the works was considered to a great extent, and he believed, in the wilder parts of Ireland, the works had proved very beneficial. No doubt the benefit might have been extended; but if the question were asked, how far had the system succeeded in affording relief to the people, he thought the answer would be, that upon the whole it had produced a satisfactory result. It could not be denied that many persons were placed upon the works who ought not to have been employed; while others were omitted who were entitled to be on the lists; yet it must be admitted that by means of the expenditure of the public money on those works, the lives of many thousands of persons were preserved in Ireland. By a statement before him, it appeared that the largest proportion of expenditure was in the county of Clare. Upon an average of the whole expenditure in that county, from November, 1846, to June, 1847, the pay was about one shilling a day for each person's relief. Now, considering the price of provisions, he did not believe that it was possible to support a person upon a less sum. The amount, therefore, of the charge which would devolve on the country on account of the relief works carried on in the county of Clare would not exceed sixpence a head per day for the persons so relieved, being one half only of the expense; the other half having to be repaid by half-yearly instalments. The question which had been since raised was, how were the works to be completed? A Bill had already been introduced by private gentlemen belonging to Ireland to enable them to proceed with the completion of such of the works as they might think proper; and it had received the Royal assent; but some delay had taken place in certain parts of Ireland in carrying out that measure. He had recently communicated with a deputation of Irish Members who had requested that the powers given by that Bill might be extended, especially with regard to the period for making presentments for new works at the sessions; and it was also proposed that he (the Chancellor of the Exchequer) should readvance for a certain time the sums that might from time to time be repaid on account of the monies which had already been lent for the public works in Ireland, in order that those works commenced in 1846 and 1847 might be completed, and that Ireland might have the full benefit of them, at the same time that the people of that country might be employed during the ensuing autumn and winter. Her Majesty's Government had taken the subject into consideration; and what he now had to propose was, that the Government should have the power, for three years, to readvance such sums as should in that time be repaid on account of the money already advanced for the relief works in Ireland, giving a preference to those counties, in the readvancements, which should have made or should make any such repayments.

Resolution agreed to. House resumed.

REMOVAL OF ALIENS BILL.

SIR G. GREY: I rise to move the Second Reading of the Removal of Aliens Bill; and, in doing so, I will very shortly state the reasons which have induced Her Majesty's Government to propose it, and at the same time explain the main provisions of the Bill itself. In proposing this measure I wish distinctly to state that Her Majesty's Government entertain no doubt of the justice or expediency of the policy which has of recent years been adopted in our legislation as to the admission and residence of foreigners in this country. It has long been the boast of England — and a just cause of boast it is — that she has been the protectress of constitutional liberty throughout Europe, and has at all times afforded an asylum to those individuals who have been oppressed in, and exiled from, their own countries on account of the political opinions they entertained. The Bill which I now propose to read a second time contains nothing at variance with that principle and spirit. The grounds on which it is proposed are simply those which this country has always hitherto maintained, and has every right to maintain, namely, those of self-protection The advantages which have been derived from the free admission of foreigners into this country are too well known to call upon me to detain the House by particularising them; and I hope nothing will take place at any time, either in the legislation of this country or in the practice of the Government, that will forfeit those advantages, on the one hand, or deprive foreigners of the benefits which they derive from a residence in this country on the other. It is, however, obvious, owing to the circumstances now occurring abroad, that the present is no ordinary period — that it is a time requiring especial vigilance — and a time when it may be necessary, without interfering with the general course of our legislation, or departing from our general policy, to institute precautionary measures. It cannot be denied that a great impulse has been given to republican principles. With regard to those principles, I wish now to say nothing, except this—that we have a right to protect ourselves against foreigners — to prevent foreigners interfering with us—taking upon themselves to be the apostles of those principles, and coming to us as propagandists, as they have done in other countries. There can be no doubt that an influence has been extended beyond the country where these republican principles have, it may now be presumed, been fairly adopted; and that emissaries have gone forth, desirous to propagate their own opinions among the people of other nations. And it is well known that, while so advocating their principles, they have sometimes pursued a course of conduct in other countries not justifiable in foreigners. I must, however, say, that there exists no ground of complaint against any foreign Government. There has been nothing done by any other Government that could give this country the slightest cause of complaint; nay, my belief is, that where persons have come from abroad into this country for the purpose of advocating certain political opinions, they have done so merely as individuals, and not as the accredited exponents of the wishes of their own country; on the contrary, they have done it against the will of the Government of the country from which they came, and which Government, if it had had the power, would, I am convinced, have prevented them from coming at all. The Bill is limited to the object stated in the preamble, of preserving the peace and tranquillity of this kingdom, and it is not intended to be used at the instance of any representation of a foreign Government. We think that the present are extraordinary times, and that they are such as to justify exceptional legislation, with a view to prevent the accomplishment of the designs of that class of foreigners to which I have already alluded, who have availed themselves of their residence in this country, or who have come to it for the purpose of intriguing against its institutions. The Bill purposes to arm the Government with a power similar to that which it exercised under the former Alien Act, subject to the important qualification that the information given to the Secretary of State must be in writing, and that it must show sufficient grounds to make it appear that the foreigner against whom the information is laid is likely to endanger the public tranquillity. My noble Friend the Member for Marylebone has given notice of his intention to move some amendments in the Committee, which I will not therefore discuss now. The Bill is limited, as I have already observed, to those foreigners who have not resided a certain time in this country; and I will only call attention to one point in connexion with this part of the subject. From the facility of obtaining letters of naturalisation, under the Act brought in by the hon. Member for Gateshead in 1844, foreigners coming here with the *bonâ fide* intention of residing here can easily obtain certificates of naturalisation; and all who do so will be excluded from the operation of this Bill. Before that Act passed, many persons who wished to make this country their domicile were deterred from doing so by the expense of obtaining letters of naturalisation; but that expense is very trifling now, and I find that 789 certificates of naturalisation have been granted by the Secretary of State to foreigners since the passing of the Act. I do not know that any opposition will be offered to the Bill; but, at all events, I hope that the House will assent to its principle, and allow the Bill to be now read a second time, concurring in the very moderate powers which it will confer upon the Government.

SIR WILLIAM MOLESWORTH said, the right hon. Baronet had assigned no valid reason for this Bill. The right hon. Baronet had said that there was an immediate necessity for this measure, but he had produced no proof whatever of the existence of that necessity. The right hon. Gentleman had called upon the House to place implicit confidence in Her Majesty's Ministers, and to give the Executive Government the powers contained in this Bill. Now it appeared to him that there were two questions for the consideration of the House: firstly, whether there was any necessity for such a Bill as this; and, secondly, whether Parliament ought to entrust such power as this Bill contained to a Government? He would ask the House carefully to consider what was the object and what was the nature of this measure. The object of this Bill was to invest the Executive Government with an arbitrary power of removing from this country aliens of whose conduct the Government entertained either distrust or apprehension. It would punish an alien, not for having committed an offence against the peace and tranquillity of the nation, but for being supposed by a Secretary of State to be a person capable of committing such an offence. Therefore, as far as aliens were concerned, it would be a law analogous in principle to the famous law of suspected persons of the 17th of September, 1793, one of the most accursed laws of the reign of terror. It was identical in principle with the Alien Act of 1793, which Act had in every form, for 33 years, been consistently and strenuously opposed by every man of any eminence who belonged to the Whig or Liberal party. In fact, this Bill was merely a repetition, almost word for word, of the 15th, 16th, and 17th clauses of that Act. Now, those three clauses had constituted the essence of the original Alien Act of 1793, and of every subsequent Alien Act; for, by those clauses, the Executive Government had been invested with the power of ordering aliens to quit the country, and by those clauses, in the event of disobedience, such aliens had been made liable to be punished and to be removed out of the country by force. Therefore, this Bill was essentially the Act of 1793, minus certain other clauses. The clauses that had been omitted were subsidiary ones, which had been enacted for the purpose of enabling the Government to ascertain the number and character of the aliens entering the country, and their places of residence: those clauses had been of the most oppressive description; in his opinion they had been unnecessary for the object of the original Alien Act. Some of them had been omitted in 1802, others in 1816, and in 1818 the Alien Act had been reduced to a form little different from the present Bill. Though, by the omission of those clauses, the present Bill was far less oppressive in its details than any previous Alien Act, yet the principle of the Bill was nevertheless the same as that of the Alien Act of 1793, for it still bestowed upon the Executive Government precisely the same power of sending aliens out of the country. Now, some stress had been laid upon the fact that this Bill was to be a temporary one, to continue only for one year, and from thence to the end of the then next Session of Parliament. But the original Alien Act of 1793 had likewise been a temporary measure, to continue for one year, and from thence to the end of the then next Session of Parliament. It had, however, been renewed over and over again, and had continued for three-and-thirty years. During the whole of that period it had been opposed on principle, without reference to its details or its period of duration, by every man of any note connected with the Liberal party, by two generations of statesmen, who had so utterly repudiated the principle of the measure, that they never would consent to consider its details; and Lord Castlereagh, with perfect truth, had complained that whenever the Alien Bill "in any of its shapes was under consideration, persons of great authority on the other side of the House were anxiously prepared to contend against its policy and propriety, and against the existence of an adequate necessity for its adoption." Those "persons of great authority" were, first, in 1793, Lord Lansdowne (the father of the present noble Lord), Lord Grey (then Mr. Grey), and Mr. Fox. Subsequently the opposition to the Alien Act had been continued by Mr. Abercrombie (now Lord Dunfermline), by Mr. Whitbread, by the noble Lord the Member for the city of London, who, he believed, had commenced his political career and had made his maiden speech against the Alien Act of 1814. The most vigorous opposition had been offered to the Alien Act of 1816 by Sir Samuel Romilly, Mr. Horner, Mr. J. P. Grant, Sir James Mackintosh, Mr. C. Wynn, Lord Milton (now Lord Fitzwilliam), Lord Althorp, Mr. Baring (now Lord Ashburton), Mr. Lamb (now Lord Melbourne), and Mr. Brougham, all of whom had spoken earnestly against the principle of such a measure. The same course had been pursued in the House of Lords by Lord Auckland, the Duke of Sussex, Lord King, Lord Lansdowne, the late Lord Grey, and the late Lord Holland. In 1818, Mr. Lambton (the late Lord Durham) distinguished himself in opposition to the Alien Bill of that year. In 1820 and 1822, the right hon. Baronet the Member for Harwich likewise distinguished himself by the violence of his invective against and the vehemence of his opposition to the Bills of those years. And, lastly, in 1824, Mr. Denman and Lord John Russell were tellers against the last reading of the last Alien Bill. And the noble Lord, in his concluding speech—

> "expressed his hope that it was the last time he should ever have an opportunity of addressing the House upon the subject, convinced as he was that after the expiration of the Act they would look back to it as a measure which ought never to have been sanctioned."

Alas for human forethought and sagacity, that it should have been the lot of the noble Lord to be at the head of a Government which has proposed the next Alien Bill to the House of Commons! He should oppose that Bill for reasons with which the noble Lord must have been familiar from his cradle, for they were the reasons on account of which Mr. Fox and Lord Grey had opposed the Act of 1793. He objected to an Alien Bill as contrary to the practice of our ancestors, to the spirit of the constitution, and to the tenor of the laws of the country prior to the year 1793. It must, however, be acknowledged that Lord Grenville, Lord Sidmouth, and Lord Castlereagh had maintained that the Crown had, in virtue of its prerogative, the power, by proclamation, to forbid the entrance, and to order the departure of any alien; and that if any such alien were to disobey any such proclamation, he might be indicted for a misdemeanour, and subjected to fine and imprisonment; and those noble Lords contended that an Alien Bill was required, not in order to give any new power to the Executive Government, but merely to facilitate the exercise of a power already in existence. They had quoted Vattel and Puffendorf to prove the indisputable position that the sovereign power of a State was entitled to order aliens out of its dominions: they had quoted a loose dictum of Blackstone, and the not high authority of Sir William Northey, to show that the power to banish aliens was a portion of the prerogative of the Crown; and they had cited cases in which the Star Chamber had exercised that power in the reign of Charles I. But that doctrine of the prerogative of the Crown to send aliens out of the country had been strenuously denied by Mr. Fox, Lord Grey, the present Lord Lansdowne, Sir Samuel Romilly, and others. Those noble Lords and hon. Gentlemen had contended that an Alien Bill was contrary to the practice and principles of our ancestors. Sir Samuel Romilly had said that—

> "Every writer on the British constitution had expatiated on the liberality with which the British laws treated foreigners. In the dark ages of our history this policy was prevalent;"

—and, in proof of it, Sir S. Romilly quoted Magna Charta and a Statute of the 27th Edward III., by which merchant strangers and others were liberally encouraged to visit this country. The present Lord Lansdowne, in an able and eloquent speech, asserted that—

> "Even in the most dangerous periods of our history our ancestors had withheld from the Crown those powers which were now called for. He would refer to the long wars and agitations of public opinion which took place after the Reformation, when the genius of Popery did create in the bosom of every Protestant country a party most dangerous, inveterate, and powerful. In the history of Queen Elizabeth would be found the most distinct evidence of plots carried on against her at Rome and at Rheims—of plots carried on by Papists; but did Secretary Burleigh ever come down to Parliament and apply for new powers to counteract those plots? No. Queen Elizabeth's Government, relying on the affections of the people, brought the detected foreigners to public trial for their offences."

He asked the noble Lord, could not Queen Victoria's Government likewise rely on the affections of the people, and dispense with these new powers? He must take the liberty of reading one other very wise passage from the speech of the noble Lord, to which he prayed the attention of the House. The noble Lord, in concluding his speech against the Alien Bill of 1816, had said—

> "It was evident that the only wise mode of proceeding with regard to foreigners, was to leave them under the administration of existing laws, and to the mild but certain influence of manners."

In this statement he begged leave cordially to concur, and he would remind the House that the Act which they had lately passed for the better security of the Crown and Government of the country had greatly increased the power of the law to punish any one who, by writing, speaking, or other overt act or deed, should intend to levy war against the institutions of the country. He would not further trespass upon the patience of the House by showing, on the authority of Mr. C. Wynn and the late Lord Grey, that neither Charles II., nor James II., nor William III., had ever dreamt either of claiming or asking for power to send aliens out of the country, though they must have oftentimes longed to possess such power. On the contrary, in the reign of Anne an Act was passed, 7th Anne, c. 5 (though, unfortunately, not of long duration), which naturalised all Protestant foreigners. And even the Georges had maintained themselves on the throne of Great Britain, despite the efforts of the exiled Stuarts, who were supported by foreign Powers, and aided by numbers at home, in times of imminent peril, without the assistance of an Alien Act. Therefore an Alien Act was contrary to the practice of our ancestors—contrary to the spirit of our constitution—contrary to the tenor of our laws prior to the year 1793—contrary to the recorded opinions of every high authority on this side of the House since the year 1793. But he would suppose (in direct opposition to the opinions of Mr. Fox and Lord Grey) that there had been a necessity for an Alien Act in 1793. Did any similar necessity exist at the present moment? The state of France in 1792 had been the reason assigned by Mr. Pitt for proposing, and by Mr. Burke for consenting to invest the Executive Government with a power which Mr. Burke had said "would be too great for the liberty of the people were it possessed in times of peace." Mr. Burke's object in voting for the Alien Bill of 1793 had been, to use his own words, "to keep out of the country those French murderers and atheists." And with frenzied declamation, hurling a dagger upon the floor of the House, Mr. Burke had reminded the House of the hateful days of the 10th of August and the 2nd of September, 1792—days as abhorrent to the present generation of France as they had been to our fathers and grandfathers—days, the horrid details of which were so vividly impressed upon the minds of every Frenchman, as to render the recurrence of such scenes impossible. In 1792, within France massacre and terror had prevailed; without France there had been fierce and bigoted propagandism. Now, in Paris there was an amount of order and tranquillity amazing, astonishing to behold; accompanied by a wise determination not to interfere in the internal affairs of other countries. Each day—each hour—was increasing the probability of a successful issue to this great experiment of the French people. That every success might attend them was his earnest hope and wish; and he objected to any measure which should indicate on the part of this country any doubt of that success—any mistrust of the good faith or good intentions of the French people towards this country. He looked upon this measure, directed as it was specifically against Frenchmen, to be a most offensive and impolitic measure with regard to France. He again asked, where was the necessity for an Alien Act? He knew that it had been rumoured about that some score or so of desperate characters, who had taken an active part in the late French Revolution, had come over to this country, and had been recognised in the streets of the metropolis. And it was said, that the object of this Bill was to guard against the machinations of such persons, and against their disseminating opinions subversive of order and of the rights of property. To apprehend any danger from such persons, he thought was paying a very poor compliment to the institutions of the country and to the feelings of the people. Such persons had been dangerous in France, for the monarch had been self-seeking and hated—the Minister corrupt, or the instrument of corruption—the upper classes profligate and despised—and the middle classes indifferent to the institutions of the country. These elements of revolutions did not exist in this country. Then, what danger was to be apprehended from the machinations of such foreigners, or indeed of any foreigners? He would read to the House a very sensible opinion which had been expressed on the subject by the present Lord Auckland, in a speech which the noble Lord had delivered against the second reading of the Alien Bill of 1816. The noble Lord had said—

> "To this country no danger whatever could be apprehended from the machinations of foreigners resident in it. Against such a danger, the dislike of the people to the manners and language of foreigners was a sufficient safeguard. The first word that a foreigner would have to utter in which the letters 'th' or 'w' occurred, would overthrow any attempt he might be disposed to make inimical to the public peace."

And Mr. Fox made a similar remark when he opposed the Act of 1793. And he would again remind the House, that at present, if any person evinced any intention to make any attempt inimical to the public peace, whether by writing, speaking, or other overt act or deed, he might at once be imprisoned, tried for felony, transported if convicted; and woe unto any foreigner who should be tried for such an offence by a middle-class jury of Englishmen. But it was said the danger was in Ireland. Why, then, was the measure to be extended to England? He acknowledged that there was a difference between England and Ireland. He was afraid there was a deep-seated and growing conviction among the people of Ireland, that the Imperial Parliament was both incompetent and unwilling to govern Ireland as it ought to be governed, and likewise ignorant how Ireland ought to be governed. They argued our incompetency from the fact that our remedial measures were coercion and Alien Bills; they argued our unwillingness from the fact of the continued existence of a dominant Protestant Church in their most Catholic country—an abuse so great that every intelligent man out of England with one voice cried shame on us on account of it. If the people of Ireland were traitors at heart, then, if every alien were removed out of the country, they would still continue to be traitors. On the other hand, if the majority of them were loyal, a few foreigners would not convert them into traitors. In either case an Alien Act would be useless. In the one case the people could only be kept down by bayonets; in the other case the existing laws were sufficient to punish as felons any persons attempting to disturb the public peace. It was said that numerous bands of armed Frenchmen would come over to levy war upon us in Ireland, whilst we were at peace with France. A more absurd idea had never been conceived by a panic-stricken imagination. Who would pay the expense of their journey from France, or from Paris? Such gentlemen do not generally belong to the wealthier classes of society. They might reach the seaports on foot; but would the steam-packets take them to Dublin for nothing? And when arrived there, if either before or after arrival they were to give any hint of their intentions, under the old laws they would have been traitors—under the existing law they might at once be imprisoned and punished as felons. Lastly, it had been argued that we should place confidence in the good intentions of Her Majesty's Ministers, that they would not abuse the powers contained in this Bill. This was a very old argument in favour of an Alien Bill. It had been refuted at great length by Lord Grey in 1793; and he might be permitted to express his belief, without any disrespect to Her Majesty's Ministers, that Mr. Pitt had as good intentions in asking for an Alien Bill, and had been as incapable of abusing any power entrusted to him, as any one of her Majesty's present Ministers. But Mr. Fox and Lord Grey had denied the validity of this argument in 1793—*à fortiori* would they have denied it if they had been in existence in 1848? He contended that there was no more dangerous fallacy than that which made confidence in a Minister a sufficient season for supporting a bad measure. Every measure should be judged of by its own intrinsic merits or demerits. He could not, because he sat on that side of the House, and because he had confidence in Her Majesty's Ministers, consent to invest them with powers, which he, for one, should certainly have refused, and which he believed every Member of that side of the House would have unanimously refused, to the right hon. Baronet the Member for Tamworth, if, being in office, the right hon. Baronet had asked for such a measure. For the powers which it contained were at the present moment unneeded; they never had been needed, and ought never to have been granted even in the most dangerous periods of our history. And he would conclude with the words of Lord Grey in 1816, that, "as to the expediency of the measure, he thought it exceptionable in every point of view, either with regard to public policy or constitutional principle"—"therefore he never gave a vote with more satisfaction than that which he should give against the adoption of such a measure," and by moving that this Bill be read a second time that day six months.

LORD D. STUART felt considerable pain at being again obliged to oppose a measure brought forward by Her Majesty's Government; and could not help expressing surprise that an Alien Bill should have been introduced by them without any proof of its necessity being laid before the House. The more he had studied this measure, the more he had seen cause to oppose it. It vested powers in the hands of the Government which ought not, he contended, to be possessed by any class of men whatever. If the Bill passed into a law, it would be in the power of the Secretary of State, upon suspicion only, to turn any foreigners he pleased out of the kingdom. It would not even be necessary that he should in certain cases have information against a foreigner, for, by the third clause, if he "apprehended" that any alien would not pay attention to any orders issued by him, he could order his seizure, and have him forthwith turned out of the country. He certainly did not expect, judging from the fate of the opposition to certain measures lately introduced, that the efforts of those opposed to this Bill would be successful; but he would, nevertheless, in Committee propose certain amendments to neutralise its worst features. The noble Lord read the protest entered on the records of the House of Lords by Lord Holland against the Alien Bill of 1822, and observed that the greater part of the objections taken in that protest to the Bill of that day was applicable to the present measure. On one point of very considerable importance the right hon. Baronet had given the House no information whatever. He had not stated what course was to be adopted with reference to aliens sent out of this country—whether they were to be sent back to their own country, where they might be exposed, as stated by Lord Holland in 1822, to torture, imprisonment, or death, or whether they were to have the option of going to America or any other country they thought proper to select. A foreigner might by this rule be imprisoned, as there was no provision for bringing him to trial, within a particular period, so that he might be kept in prison as long as the Government chose. If such powers were to be intrusted to any men, he knew none to whom he would so readily confide them as to his right hon. Friend the Home Secretary, or the Lord Lieutenant of Ireland. But he contended that they ought not to be given to any man or set of men whatever. He recollected the case of a Polish nobleman who was arrested a few years ago, when the Emperor of Russia was on a visit to this country, not by his right hon. Friend who was now Home Secretary, but by the Government that preceded the present; and while he said so, he was sorry to see that the right hon. Gentleman (Sir J. Graham), who was then Secretary of State for the Home Department, was not in his place. He had no opportunity of bringing the case forward at the time. But the privacy of the nobleman to whom he had referred was suddenly invaded—he was seized without any warrant, and carried off to prison, and his papers taken from him, some of which had never been restored. He only mentioned this to show the danger of giving such powers to any Ministry, and to what an extent foreigners might be unnecessarily interfered with. He must say he was surprised at the absence of the right hon. Gentleman the Member for Harwich (Sir J. Hobhouse) on the present occasion; and, remembering the sentiments formerly expressed by that right hon. Gentleman, he might also express his surprise at the title of the present Bill. The eloquence of the right hon. Gentleman was exceedingly fervid against former Alien Bills, one of which he stated ought to be resisted even by force; and, therefore, he thought it was the duty of the right hon. Gentleman to be in his place on the present occasion. In 1822 the right hon. Gentleman made a most determined resistance to the Alien Bill then before the House, and actually proposed the following Motion for an alteration in the title of the Bill:—

> "That the title of the Bill should be—'A Bill to repeal so much of the great charter of England as relates to the free ingress and free residence of foreign merchants in these islands, and to assimilate in that respect the Executive Government of Great Britain to the despotic Governments of the Continent."

This Motion was not made in joke, or merely to create merriment in the House; for the right hon. Gentleman divided upon it, and received in its support the votes of twenty Members. He was ready to admit that there was a difference betwixt this and former Alien Bills, inasmuch as formerly the object of these Bills was to prevent foreigners coming here to plot against foreign Governments; whereas the object of the present Bill was a more legitimate one, namely, to prevent foreigners from plotting against the well-being of this country. But still, he complained that no proof was given that foreigners had come to this country to plot against its welfare. As there were people who thought every poor man a Chartist, and every Chartist a rebel, so were there people who thought every foreigner an enemy. Conceiving the Bill to be, in the words of Lord Holland's protest, cruel, unjust, and unconstitutional, he considered it his duty to give it his opposition.

The ATTORNEY GENERAL was unwilling to prolong the discussion, but after what had fallen from the hon. Baronet the Member for Southwark and the noble Lord the Member for Marylebone, he was induced to attempt to remove a misconception under which they laboured with respect to the object of the Bill. Though the noble Lord had argued against the principle of the Bill, as if it were identical with that of anterior measures, yet he had admitted that the Bill was different from former Alien Bills, and he had, in truth, answered all his own arguments. The hon. Baronet the Member for Southwark relied on no objections to the Bill except such as were the repetition of objections stated to former Alien Bills; and because the Bills of 1793 and 1814 were opposed by men of great note and distinction, he contended that therefore a different Bill, directed to a different object, and proposed under different circumstances, ought not to have been introduced by the Members of the present Government. The circumstances were different. The object was entirely different; for whereas in 1793 and 1814 foreigners had to meet insuperable obstacles in the way of their obtaining letters of naturalisation, they might now obtain them without difficulty. If they came to this country to reside and carry on business, and had no design against the peace of the country, they might obtain letters of naturalisation with the greatest possible facility, and at no expense whatever. On the production of a certificate of character, and on proof of their intention to reside here for purposes of business, they obtained letters of naturalisation, which would put them beyond the scope of this Bill altogether. The present Bill was totally different from former Bills; it was assailable on none of the grounds on which the protests against former Bills proceeded, except those disputed grounds of impolicy or injustice which were open to discussion on the facts of the case. It had been argued that, even if not perverted to improper purposes, the effect of the Bill might be to deter the friends of civil and religious liberty from other countries from seeking refuge and protection under the laws of this country. The Acts of 1793 and 1814 authorised Her Majesty and the Privy Council, with no reason assigned, and no responsibility which could be specifically attached to any Minister, to proclaim an alien and deport him at once. Under this Bill the Government could not act except on information that there was reason to believe the person to whom it related had designs against the public peace. The Secretary of State would be bound to produce that information; he would be bound to show that he had received that information that the party was obnoxious to the charges made against him. But the hon. Baronet further described the Bill as unjust, supposing that resident aliens might be subjected to actual punishment without trial. Such was not the case. An alien residing here might obtain letters of naturalisation. Every person settling in this country, and not harbouring designs against the peace, was entitled to obtain such letters; and there could now be no such argument as there was when Lord Holland entered his protest. But, in the third place, it was argued that the Bill was unconstitutional. Those grounds of objection were applicable to former measures, but not to the present. The hon. Baronet said, the Government offered no proof that the measure was required under existing circumstances. But so far the measure depended on the confidence which the House had in the Government. No Government could be expected to come here and state all the details with respect to the grounds on which such a measure was demanded. It was because the Government thought there was reason to apprehend that improper designs were entertained by parties now in the country coming from abroad. If there were no such parties, then the Bill would be harmless, at all events. The measure might be called into operation; but could not be made an instrument in the hands of a foreign Government. The measure could be applied only in cases where there were circumstances which justified the belief of the Government that the party against whom information was lodged entertained designs against the peace and Government of this realm. In that, he believed, consisted the main distinction between this and former Acts. Upon these grounds, he held that this measure might be defended in perfect consistency with the admission that the objections taken to the former measures which had been mentioned were well-founded.

MR. W. J. FOX said, he had listened with great attention to the speeches of the right hon. Gentleman the Secretary for the Home Department, and the hon. and learned Attorney General, for some more distinct grounds than he had yet heard alleged in favour of a law which seemed to him to call for them, because it was a measure of timidity and apprehension. It showed a want of confidence in the British people, who had so lately evinced in the most illustrious manner their determination to support peace and order, and it showed also a want of confidence in the Government and people of France, who, under very trying circumstances, had as yet done nothing whatever to excite suspicion or hostile feeling upon our part. He thought a different sort of legislation would become the Government of such an empire as this; he thought, convulsed as the world was, there could be no better time to show our reliance on those institutions which had stood the test of so many ages, and supported so eminently the character, not only of durability, but of that elasticity which accommodated itself to the spirit of the age, and enabled us, by enlarging the sphere of privilege, and the conditions of political power, to give them greater extension when the state of society required it, without any of those convulsions by which other countries were torn. He could not see that any case of necessity had been made out for the grant of powers which, to say the least of them, were capable of a very invidious and cruel application—which put the liberty, property, and prospects of individuals at the mercy of the Minister for the time being—and exposed a man to that sort of attack against which it was so difficult to defend oneself—anonymous writings, perhaps, addressed to a Secretary of State, who, it seemed, might be brought in contact with a class of persons whom a Member of the English Government ought to avoid consorting with. His office would have a back door for the receipt of accusations and calumnies, which, under the plausible pretext of the public safety, might be only the ebullition of individual spite, or the gratification of personal vindictiveness; which might be used offensively against man or woman. For it could not be forgotten that the first person deported under the law of '93, from which this measure was taken, was a woman, who could hardly have been supposed the source of material danger to this country or its institutions; the widow of Lord Edward Fitzgerald, whose name had since been raised to so different a position in connexion with the finest feelings and associations of humanity by writers of the sister country. Ministers had been charged with inconsistency in introducing this Bill. However truly that might apply with reference to their conduct in past years, he was free to admit that the objection had less force with him than others which had been adduced; because, if he looked to the last measure they had brought into the House, he thought this might be held to be a very consistent and appropriate supplement to the Act just passed for the better security of the Crown and Government of these realms. The one belonged to the other; they dovetailed admirably—

> "Sure such a pair was never seen,
> So justly formed to meet by nature!"

This Bill completed that conversion of Ministers from the policy of the old Whigs of this country to that of Pitt, Castlereagh, and Sidmouth, which began with the first of these measures, and might be considered as continued by the second. It showed that the expression used by Pitt in the discussions on the Regency question, that he would "un-Whig the Gentleman for the rest of his life," could no longer be used against them, for they had in truth most effectually un-Whigged themselves. The only thing said by the right hon. Baronet to show the necessity for this Bill, was, that he was afraid of republican missionaries. Now, the danger from republicanism in England at this time was surely at its very lowest point. The power of "open and advised speaking" to this end which any Frenchman could exert amongst us, was surely of a very limited nature. Had it been forgotten that the most accomplished of French tragic actors, the celebrated Talma, was never allowed to carry out his wish of acting *Hamlet* on the English stage, because it was felt by the managers that the very first sentence he should utter might set the audience in a roar? Vain were fears then of speeches to be made by foreigners for the purpose of stirring up sedition amongst our population. If we wished to extinguish desires which might be entertained by any portion of them for changes in governments and institutions, it would be necessary rather to seek to be invested with a power of punishment, or suppression over the writings of the illustrious dead of our own country, than over the machinations of the living missionaries of other lands. The great republican teachers, if Englishmen could now be practically republicanized, would be found on the shelves of our libraries, in the pages of the Miltons, Sidneys, Harringtons, Mores, and others of later date. If such men, speaking to us in our native language, with a style fraught with the harmonies of the olden time—appealing to our hearts by rich trains of glorious associations, commanding almost the idolatry of the student—if these failed to make us republican, where could be the power of Frenchmen, Germans, or the natives of any other region, to seduce the inhabitants of these realms from their plighted allegiance to their Queen? He apprehended that the free inhabitants of this country had at least as much affinity with the republicanism of others as with their despotism. But if it were said that it was not abstract republicanism, but the doctrines of socialism and communism we were to be afraid of, let us take example from the noble-minded man who was now at the head of the French people. Those doctrines had been the rock a-head of the French Government during all the dangerous period that had elapsed since the days of February; our own socialist and communist leaders had been in Paris during all that interval, fraternising with those who shared their opinions, presenting addresses, and making themselves conspicuous; yet the eminent man to whom he referred had not deported one of them. Let us then rather imitate that example, fortified especially as we were by so many reasons of confidence in the loyalty of our people, and the security of our institutions. Such measures as the present afforded no reliable guarantee; they were as worthless to the real peace and security of the institutions of these realms, as the parchment on which they were written would be worthless by way of buttress to that venerable edifice under whose shadow they were now deliberating, which had stood the storms of ages past, and would stand the storms of ages yet to come. He could not agree with the Attorney General that such measures, if not enforced, would do no harm. They did this harm: they falsified the character of this country; they put us in an untrue position as to the public opinion of Europe and the world; they declared apprehensions which did not really exist, or had no real gronnds of existence; they imputed a fickleness, an untrustworthiness, a proneness to be led into violence, which were not the character of the people of this country, never had been, and never would be; and they put us in this false position, that they were likely to affect most injuriously our relations with other States. They might breed misunderstandings which would plunge us into war, that worst of all calamities; they showed a suspicion of what was going on in Europe; they showed that we did not rely on the events that were now taking place, being so over-ruled as to guide the world to the possession of freedom and the enjoyment of happiness; they proclaimed ourselves to be at variance with our surrounding neighbours, to be looking on fearfully, jealously, and suspiciously, and by so doing, they put us on the wrong side, allying us with those who sought to uphold a past that could not be prolonged, and obstruct a future that must and would be realised. They made us the enemies of rising constitutional Governments, and the friends of despotisms everywhere deservedly crumbling into oblivion.

MR. HENRY DRUMMOND could fully subscribe to every word of the eloquent speech which the House had now heard with respect to the confidence to be reposed in the constitution. The noble Lord (Lord D. Stuart) said the measure was contrary to Magna Charta, which provided for a settlement in this country of foreign merchants. He (Mr. Drummond) had read the Bill several times. He had perceived it was directed against the residence of foreign traitors; but he found not one word against foreign merchants. Hon. Gentlemen had expressed surprise that the right hon. Gentleman who had introduced the Bill had said nothing as to its necessity. Did they know nothing of what was going on in Europe? The hon. Baronet had told the House that a similar measure had been objected to in former times by many great authorities; but perhaps he was not aware that sitting on the same benches with them in those times were Members of a "Corresponding Society" sworn to promulgate their doctrines all over Europe. How far these eminent persons were tainted by such opinions, it were hard to say; and certainly he (Mr. Drummond) was not now going to vindicate the sayings and doings of any Whigs on the subject since the beginning of the French Revolution. A poet had given a description of this city as—

> "London, the needy villain's general home,
> The common sewer of Paris and of Rome,
> Condemned by fortune and resistless fate,
> Sucks in the dregs of each corrupted State."

The hon. Baronet seemed anxious that London should still exhibit that character. He said this was a new measure. The other day the Government were charged with bringing into operation an old law of Charles II. If the plague were now to break out, physicians would not recur to Thucydides to see how it was treated in Athens, nor would they look at the old authorities which recorded how the disease was dealt with during its ravages in London. In the good old times, an Earl of Westmoreland marched up to London, and made palpable open war: but now there was peaceable agitation carried on till people were prepared to rise, till arms were procured, till people were trained in their use; and then resistance was said to be a sacred duty. He was much surprised to hear it said by more than one hon. Gentleman opposite that there was no reason to apprehend propagandism. A remarkable circumstance attending the former French Revolution was, that people began by propagandism before they began with reformation of abuses in the respective countries to which they belonged. So long back as in 1773, Voltaire settled himself on the borders of Switzerland, and promulgated the doctrines which a few years afterwards he propagated in his own country. It was said there was no propagandism now. Only yesterday he had read a letter sent by Count de Montalembert to the *Tablet*, in which letter it was said to the Irish in so many words, "Don't make war with England; but I will tell you what we will do—we will make war for Poland." What business had he to go to Poland for this war more than to this country? It had been asked why should the country not rely now on their institutions as in the time of Queen Elizabeth, since she never applied for an Alien Act? If they gave Her Majesty's Ministers a Star Chamber, they were not likely to apply for an Alien Bill. If they distrusted the opinions of modern British writers with respect to those who distinguished themselves by their advocacy of propagandism, he would take leave to refer to the opinions of the French Minister, recorded so far back as the year 1839. The writer in question says—

> "Yes, it is a sad and extraordinary spectacle that this hierarchy presents—organised for pillage and crime. The assassination of kings in general and of him whom the Revolution of July placed on the throne of July in particular, is preached as the most holy of duties; but this is not all—the revolution which they desire to effect is at once political and social. It is not only royalty that they wish to extirpate from the soil, but it is above all the aristocracy, and aristocrats, and the list of aristocrats is long. The landed proprietor is chief aristocrat; the capitalist, the manufacturer, and whoever is convicted of possessing an acre of land, or a hundred crowns of rent. They will carry the hatchet and the torch against these monstrous inequalities. They will level by the same blow, heads, ranks, and fortunes. The double reform which they wish to found on the ruin of the monarchy and of society, is in politics the sovereignty of the people modified by the scaffold; in the revenue, equality of fortunes and community of goods. Such is their end, and such are their means."

Such was the light in which the proceedings of the revolutionist party in France were viewed by a French Minister in 1839. He did not mean to express any wish one way or another with respect to the great events which had recently occurred in other countries; but as one hon. Member had expressed in that House his enthusiastic admiration of the revolutionary doctrines, and his anxious desire for their success, it was at least open for him to declare his determined detestation of them, and his conviction that they could end in nothing but universal slaughter and civil war. [*Laughter.*] It might be all very well for hon. Members to laugh at these things; but he should like to know what they would do with a people to whom they had deliberately made promises which it was wholly out of their power to realise? And he would take the liberty of hinting—for he had not time or opportunity to do more—that the greater part of the discontent at present prevailing in the country was to be attributed to the fact, that promises had been made to the people which could never be accomplished.

Mr. URQUHART objected to any difference of legislation for foreigners, and was at a loss to conceive why the Crown and Government Security Bill was not a sufficient protection against the machinations of foreigners in this country. It had been the privilege of England in all time to afford unstinted hospitality to the unfortunate of all countries in the world, and that not only by law, but from the natural impulse of the national mind and character; and he objected to the Bill also as a falsification of that character. He considered it utterly inconsistent with the measure which they had lately been debating—that of the admission of Jews into Parliament; and it was remarkable, that in the Old Testament it was laid down in a most precise manner that there should be no difference in the law or in the manner for the native and for the alien. He ridiculed the idea of propagandism in these days, in which there were no secret societies or conspiracies, but in which movements were produced by public opinion, and the press was the vehicle of the contagion. With regard to the security said to be given in this Bill by means of written informations which might be called for in that House, he thought that quite fallacious. He reminded the House of what had passed with reference to opening letters. A Committee had been appointed on the subject, which had inquired into everything but the point at issue, and had reported upon all the letters opened by warrant, while it passed over in silence all that had been opened without warrant. If an inquiry in that House could thus be shelved, in a home affair of importance, there was not much security against the abuse of this power in the case of a few poor foreigners. He feared also that it would bring us into collision with foreign Powers; and, though he would say nothing about the present Government, the powers might be used in the hands of some Ministers as an instrument of tyranny by foreign despots; in the same way that the police of London had been made subservient to such a purpose in the case of a Polish nobleman alluded to by the noble Lord (Lord D. Stuart). He considered it would be far better to let the Government act on its own responsibility with respect to the removal of foreigners whose presence they deemed objectionable, and afterwards come to Parliament for a Bill of Indemnity. The granting to Government a power as affecting the removal of aliens, was, moreover, a question touching our internal liberty. The measure was also objectionable, because it gave a judicial appeal to the Privy Council. The grounds of removal must then be judicial; and, as this was the case, what necessity was there for removing them from a court of justice competent to try them? If there were grounds for making a court decide that an alien should be removed, there would be something to justify his being proceeded against in the ordinary courts of law. To take that power out of the hands of the law, and invest it in a Secretary of State, would, he feared, be opening the door to the exercise of arbitrary and irresponsible power. Holding these opinions, he would have great satisfaction in voting against the Bill. When the Government, upon a recent occasion, asked for additional power to preserve the peace of the empire, he readily gave them his support; and for that very reason he would now resist, by every possible means, those exceptionable powers which they wished to obtain, not against the nation, but the alien friend.

The **Earl of ARUNDEL and SURREY** said, that it seemed to him that the several speakers against the Bill had so lost themselves in their own eloquence as not to have touched the point in question. There could, he thought, be little doubt of the fact that there was a considerable number of Germans and Frenchmen—it did not signify what nation they belonged to—but there were foreigners, he believed, in this country who entertained wild and anti-social opinions, and who were ready to upset not only the Government of their own country, but the Government of any other nation they could manage to operate upon. That being the fact, they all knew, from what had lately occurred on the Continent, how easily a small number of men might produce great confusion and bloodshed, and damage to life and property, if so disposed; and he must say, that under such circumstances, it was the bounden duty of Government to take such means as they might find to be necessary to prevent such persons creating disorder among the people over whom they (the Government) had been called to rule.

Mr. HUME was not surprised that no hon. Member should have taken the same view of the question as that adopted by the noble Lord, for assuredly there was no sane man inside or outside of that House who could seriously participate in the apprehensions of the noble Lord. Was it possible that any sane man could believe that if a Frenchman or a German were to stand up in a meeting of Englishmen, Scotchmen, or Irishmen, and to advocate revolution and the overthrow of the British constitution, he would receive anything else for his trouble but hissings and hootings? It was really preposterous to entertain such apprehensions. To talk about Frenchmen or Germans, or any foreigners, coming over to England to excite the British population to rebellion, was about as rational as to suppose that a bevy of ourang-outangs should visit the country on a like mission. The fact was, the noble Lord was panic-stricken. He must have been a special constable on a recent memorable occasion, and must have witnessed while on duty some terrible spectacle or other, or else have received some terrible revelation or other which had excited his alarm beyond all reasonable limits. Where were these French and German cut-throats who had frightened the noble Lord from his propriety? It was really monstrous that that House should, through fear of some unintelligible phantom, give its sanction to principles which had long been odious to every friend of free government. There was no man who for the last sixty years had professed to hold liberal opinions in the least estimation, who had not repeatedly expressed his detestation of such measures as the present. It was subversive of every principle to which the English people had heretofore declared their attachment, that a law should be passed depriving the accused man of the privileges of being confronted openly with his accuser, and getting a public and impartial trial. Great cruelty and great injustice must inevitably characterise the operation of such a law. It was wholly unnecessary. He had too much confidence in the good sense and the loyalty of the British population to suppose that it was in the power of any body of foreigners to seduce them from their allegiance. To affirm the contrary, was to slander the character of the country. When a similar measure to the present was brought forward, in 1822, by the right hon. Baronet the Member for Tamworth, it had to encounter a fierce opposition; and he (Mr. Hume) was proud to say he voted against it in every stage. Sir James Mackintosh declared that it was a melancholy thing that the House should be called upon to give its sanction to so un-English a proceeding; Lord Denman expressed his determination to give it an "unqualified opposition;" and as for the right hon. Baronet the Member for Harwich (Sir John C. Hobhouse), he could find no language sufficiently powerful adequately to convey his disgust and indignation at it. He was at a loss to think what dream could have come over the last-named Gentleman, or what wild infatuation could have wrought so wonderful a revolution in his principles and those of his Colleagues. He, however, had not changed. It would afford him pride and pleasure to record his vote against the Bill in all its stages.

Dr. BOWRING could not allow the Bill to be read a second time, without protesting against it as a most arbitrary and unconstitutional measure. Under our ordinary forms of law a man who was accused of crime was allowed to see his judge, and confront his accuser; but under the present Bill the Secretary of State, upon any information, no doubt written, but emanating, it might be, from individual hostility or malignity, or perhaps from a despotic and tyrannical Government, had the power to banish any foreigner from the land. It was said, that all who chose might apply for letters of naturalisation; but there were thousands and tens of thousands who came to this country as merchants and travellers, or for the purpose of receiving instruction, who did not intend to naturalise themselves. He had no apprehension; he thought that all institutions that were deserving of being preserved would be preserved by the good opinion of those who were interested in their preservation. We were, in fact, all propagandists as far as we were able; and he was very glad to see propagandism of liberal opinions and popular Governments spreading throughout the country; for he believed that such opinions were associated with the development of human intellect and the future happiness of man.

Captain HARRIS thought the Government entitled to the thanks of the country for their promptness in bringing forward this measure of safety. The conduct of many foreigners upon a recent occasion, showed the necessity of some measure of this sort, for it was notorious that they mingled with the crowd in Trafalgar-square, and endeavoured to incite them to violence. The respectable and well-disposed foreigners resident in this country would hail the Bill with satisfaction. He would give it his cordial support.

Mr. EWART had listened with attention for some sound reasons in support of the Bill, but he could not detect any. He believed that a measure of this sort was altogether unnecessary, as the conduct of the people on the 10th of last month, showed that they were determined to preserve order and maintain peace under all circumstances. The Government had less justification for going on with the Bill now than they had when they first introduced it, and this would be an additional reason for inducing him to vote against it.

The House divided on the question that the word "now" stand part of the question:—Ayes 141; Noes 22: Majority 119.

List of the Ayes.

Arkwright, G.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, M. T.
Barkly, H.
Baring, T.
Bellew, R. M.
Benbow, J.
Berkeley, hon. G. F.
Bernard, Visct.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Bremridge, R.
Broadley, H.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, R. D.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cardwell, E.
Christy, S.
Clerk, rt. hon. Sir G.
Cobbold, J. C.
Cocks, T. S.
Colebrooke, Sir T. E.
Craig, W. G.
Dalrymple, Capt.
Dashwood, G. H.
Deedes, W.
Denison, W. J.
Denison, J. E.
Disraeli, B.
Divett, E.
Dodd, G.
Drumlanrig, Visct.
Drummond, H.
Duncan, G.
Dundas, Sir D.
Ebrington, Visct.
Elliot, hon. J. E.
Euston, Earl of
Evans, J.
Evans, W.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fortescue, hon. J. W.
Frewen, C. H.
Fuller, A. E.
Gaskell, J. M.
Glyn, G. C.
Goddard, A. L.
Godson, R.
Gordon, Adm.
Granger, T. C.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hanmer, Sir J.
Harris, hon. Capt.
Hawes, B.
Hay, Lord J.
Hayes, Sir E.
Heathcoat, G. J.
Heneage, E.
Herbert, H. A.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hildyard, T. B. T.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hope, H. T.
Hotham, Lord
Hudson, G.
Jervis, Sir J.
Jolliffe, Sir W. G. H.
Keppel, hon. G. T.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Law, hon. C. E.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Mackinnon, W. A.
Macnamara, Maj.
Martin, C. W.
Matheson, Col.
Mitchell, T. A.
Monsell, W.
Morison, Gen.
Morris, D.
Newdegate, C. N.
O'Brien, Sir L.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Paget, Lord A.
Palmer, R.
Palmerston, Visct.
Parker, J.
Perfect, R.
Philips, Sir G. R.
Pinney, W.
Power, N.
Prime, R.
Pugh, D.
Rawdon, Col.
Repton, G. W. J.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.

Romilly, J.
Russell, Lord J.
Russell, F. C. H.
Seymer, H. K.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Smith, rt. hon. R. V.
Somerton, Visct.
Somerville, rt. hn. Sir W.
Spooner, R.
Stanley, hon. E. J.
Stuart, H.
Thornely, T.
Towneley, C.
Townshend, Capt.
Turner, G. J.
Tynte, Col.
Walpole, S. H.
Willcox, B. M.
Williamson, Sir H.
Wood, rt. hon. Sir C.
Wyld, J.
Yorke, H. G. R.

TELLERS.
Hill, Lord M.
Tufnell, H.

List of the Noes.

Bowring, Dr.
Bright, J.
Clay, J.
Cobden, R.
Ewart, W.
Forster, M.
Fox, W. J.
Kershaw, J.
Lushington, C.
M'Gregor, J.
Mowatt, F.
Raphael, A.
Sidney, Ald.
Smith, J. B.
Smythe, hon. G.
Stuart, Lord D.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Urquhart, D.
Wakley, T.
Walmsley, Sir J.

TELLERS.
Hume, J.
Molesworth, Sir W.

Bill read a second time.

ELECTIVE FRANCHISE—IRELAND.

Sir WILLIAM SOMERVILLE, in rising to move for leave to bring in a Bill to regulate the Elective Franchise, and for the Registration of Parliamentary Electors in Ireland, hoped he might ask the attention of the House for a few moments while he proceeded briefly to state the nature of the Bill which it was his duty to propose. He felt it was quite unnecessary for him to dilate on the great importance of this question; it had been recognised by successive Governments and by successive Parliaments, and yet the evils of the system remained to the present day unredressed and in full operation. Those evils, as they at present exist, he took to be threefold: first of all, the nature of the franchise as it exists in Ireland; secondly, the insufficiency of the constituencies dependent upon the nature of that franchise; and, thirdly, the system of registration, which is most imperfect, giving rise, as had been justly said, to many and grave abuses. First of all, he would call the attention of the House for a very few moments to the nature of the franchise as it exists in Ireland; and, perhaps, he need not go further in calling the attention of the House to this point, than simply to say that the franchise, as it at present exists in Ireland, is ambiguous. There might be some persons who objected to a high franchise; there might be some who objected to a low franchise; but he believed that of all the curses that ever was inflicted upon a country — and particularly a country situated like Ireland—an ambiguous franchise was the worst. They had heard in that House, over and over again, in the course of debates on this question, the opinions of hon. Members on what is called the solvent-tenant test, and the beneficial-interest test. They knew that the Judges of the land differed in their construction of the Act of Parliament. They knew, also, that the assistant barristers in Ireland differed in their construction of the Act of Parliament; and he believed that even those who had framed the Reform Bill—or, at least, many of those who took part in the debates on the Reform Bill—differed in the construction of the Act of Parliament. Many hon. Members on both sides of the House, in discussing the question, had been unable to come to a correct decision on the subject; and such being the case, it could be hardly supposed that the peasantry coming forward to register their votes could form a correct opinion on the subject. Then let them see the great evil that was caused by this state of the franchise. An assistant barrister might register in one way; but whether or not it was to be finally allowed depended upon the going Judge of assize, and the construction he might put upon the Act. It appeared that neither Judges nor assistant barristers could agree in their construction of the Act of Parliament; and having said that, he conceived he said enough to show that, in this respect at all events, a change was desirable. What was the next evil he complained of? It was the insufficiency of the franchise in Ireland. He would not weary the House by going into detail, or by alluding to figures; but documents were at the command of every hon. Member of the House to show that the constituencies of Ireland were dwindling away, and yearly becoming less; and except the House stepped in and legislated on the subject, the representative system in Ireland would become nothing more nor less than a nullity. The numbers of the constituencies were to be found in documents on the table of the House; but let not hon. Gentlemen suppose that those documents gave a correct idea of the number of the voters in Ireland. When they saw the number of voters registered, did they consider how many of those voters were brought to the poll? Not at all; but if they looked to elections in Ireland, and to contests that had lately occurred, and compared the number of voters registered with the numbers which, even in the most severe contests, were brought to the poll, it would be found that the numbers brought to the poll were considerably less than the very small number which appeared on the face of the documents as returned to the House. He had now stated two of the evils connected with the franchise in Ireland: first of all, the nature of the franchise; and, secondly, the insufficient number of electors, caused by the state of the franchise. There was a third evil, to which he now begged to call attention, namely, the present registration system, which, as he had stated before, is liable to great abuse, and calls loudly for redress. He would now state to the House what it was proposed to do by the Bill which he desired to introduce; and first of all what remedy they intended to adopt in reference to the first of the evils to which he had called attention. Hon. Members were aware that the franchise in Ireland was, he might say, of two descriptions — one a franchise connected with occupation, the other a franchise which does not require occupation. The franchise connected with occupation was generally possessed by that which is called the poorer classes, and that occupation franchise is connected with a tenure. His opinion was that first of all it was necessary strictly to define the franchise. It was desirable that it should not be left, as a question of value, to be sworn to by the occupier himself at the time he came forward to register, and that they should adopt some fixed scale, which would do away altogether with the necessity for an oath. He knew of no plan that could be better adopted than that of falling back upon a rating. That was defined and precise, and was not liable to abuse, and a voter might be registered without being called upon to give his own deposition, or to swear to a beneficial interest, or to take the solvent-tenant test, which is now unfortunately necessary. He proposed, that the franchise should be placed on a rating. He proposed, first of all, that all the existing franchises requiring occupation should be at once abolished, and in lieu thereof a simple rating to the poor-law should be substituted, at a net annual value of 8*l.* and upwards. The franchise he proposed should be totally unconnected with any tenure, but based on the simple rating to the annual value of 8*l.* This he proposed as the occupier's test. He did not propose that any change should take place in those franchises which did not require occupancy, but would allow them to remain as they are. He also proposed to extend the 8*l.* franchise to joint occupiers, provided each joint occupier's quota, when the whole sum was divided, amounted to 8*l.* annual value. The Bill also proposed to confer the elective franchise on persons having land in fee or in tail to the rated annual value of 5*l.* These alterations would give a very large increase in the constituent body; and if permitted to introduce this Bill, he would be prepared to show that that increase would not be unfair, as compared with England, Scotland, or Wales, or in any manner disproportionate; but that, considering the state of the country, and the condition of society, it was a just, fair, and liberal adjustment. He would now briefly state the plan he proposed with regard to the registration of the franchise. He proposed that the clerks of the different poor-law unions in Ireland should transmit to the clerks of the peace the list of persons rated as occupying lands and tenements, setting forth the amounts at which they were rated. These lists should be transmitted to the clerks of the peace, who would then make the list of voters otherwise qualified than by occupation, and afterwards add the occupiers to the lists. He also proposed that there should be a proviso that the occupier must have been in occupation six months, and must produce, before voting, a receipt for the payment of the last rate made for the poor. Then, with regard to the franchise of the towns, he did not propose that any change should take place in the qualification; but great complaints having been made in Ireland as to the payment of municipal taxes, the plan now proposed would require no other payment from the voter but that of the poor-rate to entitle him to vote. Such was the measure he had to submit to the House. The registration part of the question was exceedingly complicated; and he preferred laying the Bill upon the table, in order to afford the House an opportunity of examining its provisions; and when they came to the second reading he should be prepared to go into the whole matter, and, he hoped, to justify the nature of the measure to the House. His reason for introducing it might be principally, but not altogether, political. He believed it was the most desirable thing that leases should be granted to tenants in Ireland; and he knew of nothing which would more tend to induce the landlords to give leases to their tenantry than the system contemplated by the Bill of disconnecting the franchise from the lease. In its social effects also the measure would be most beneficial; but he would now refrain from entering into the subject further; and would simply move for leave to introduce the Bill.

MR. HUME said, if by any mistake or other accidental circumstance the arrears were left unpaid, that ought not to disqualify a voter. He thought the rating of itself a sufficient qualification for the franchise, without any reference to their payment of the rates, which could easily be enforced by the ordinary law. He found that, according to the returns of 1835, the number of voters in Ireland was 90,000. He wished to know the right hon. Baronet's (Sir W. Somerville's) estimate of the increase in the constituency likely to ensue from his Bill.

SIR W. SOMERVILLE calculated the number of voters in Ireland would be quadrupled by the proposed measure.

SIR D. NORRIS thought the Bill would effectually remove many of the present discouragements to the granting of leases, and making the tenant independent would be the best species of tenant-right which could be given in Ireland. All other kinds of tenant-right besides that were vague and visionary. He did not think it possible for him to make the House understand the great extent of the disgusting perjury prevalent at the session courts in Ireland, owing to the franchise being left to depend solely upon the oath of the party applying to have his name enrolled as a voter. But the present measure would leave the evils connected with the registration in the towns altogether untouched. Was the right hon. Baronet (Sir W. Somerville) aware that certain judges and revising barristers in Ireland allowed rent-charges the franchise, while other judges and barristers withheld it from them? Let them have one entire system of franchise: let it be known what they were to register, and then, with a proper mode of registering, all the difficulties which beset the question would vanish.

Leave given.

House adjourned at a quarter past Eleven o'clock.

HOUSE OF COMMONS,

Wednesday, May 3, 1848.

MINUTES. NEW MEMBER SWORN.—For Carlisle, William Nicholson Hodgson, Esq.

PUBLIC BILLS.—*Reported.*—Great Yarmouth Coal Duties.

PETITIONS PRESENTED. By Mr. Aglionby, from Horsham, for Inquiry respecting Lewes, and other Boroughs. By Mr. Wood, from Stamford, for Inquiry into the Election of that Place.—By Mr. H. Drummond, from Arthur P. Perceval, B.C.L., Chaplain to the Queen, respecting the Consecration of Dr. Hampden.—By Mr. J. Bailey, from Hay (Brecknockshire), and other Hon. Members, from several Places, for Better Observance of the Lord's Day.—By Mr. Duncan, from the Presbyterian Congregation of Wallacetown, Dundee, and by Mr. Loch, from Cromarty, for Alteration of the Law respecting Sites for Churches (Scotland).—By Mr. Milner Gibson, from Manchester, and by Mr. Stuart Wortley, from Members of the Metropolitan and Provincial Law Association, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Rufford, in favour of the Exemption of Small Tenements from Rating Bill.—By Mr. Childers, from Members of the Loyal Vale of Mowbray Lodge of the Independent Order of Odd Fellows, Manchester Unity, Malton District, for Extension of the Benefit Societies Act.—By Mr. Cardwell, from the Liverpool Guardian Society for the Protection of Trade, for Alteration of the Law respecting County Courts.—By Mr. Loch, from the Council of Tain (Scotland), in Favour of the Crown and Government Security Bill.—By Mr. Duncan, from Wallacetown, Dundee, and by Mr. Greene, from Cockerham (Lancaster), against the Diplomatic Relations, Court of Rome, Bill.

RIOT AT LIMERICK.

MR. G. A. HAMILTON begged leave to ask the right hon. Gentleman the Secretary for the Home Department, whether he had received any official intelligence from Ireland, in confirmation of a statement which he had read in the *Times* of that morning, and which he could not help adding was most ably and amusingly commented upon in that newspaper, namely, that there had been a moral force demonstration in the city of Limerick? An *émeute*, in fact, in that city, on the part of the moral force party against the leaders of the physical force party—that the leaders of the physical force party, including Mr. O'Brien and Mr. Meagher of the sword, and Mr. Mitchell, had been seriously maltreated and injured by those moral force men; and that these bellicose gentlemen of the physical force party had actually been obliged to seek protection from Her Majesty's troops, and the constabulary of the city of Limerick?

SIR G. GREY: In reply to the question put by the hon. Gentleman, I beg to inform him that I have received a letter from the Lord Lieutenant of Ireland which substantially confirms the statement he has alluded to. It appears, that a meeting was held at the city of Limerick, at which about 400 persons assembled, the gentlemen to whom the hon. Member has alluded being present, and that, during the meeting, an attack was made upon them by the people of Limerick, and I believe that it is to the prompt intervention of the military and the police that the safety of the three gentlemen may be attributed.

THE TRIALS IN IRELAND.

Mr. G. HAMILTON said, he would take the liberty of asking the right hon. Secretary for Ireland another question of a kindred nature—it was, whether it was true that Mr. Mitchell, the *United Irishman,* who some time ago seemed to pant for a collision with Her Majesty's Government either in a court of law or elsewhere, had resorted to the expedient of putting in dilatory pleas, which would have the effect of delaying the trial, and postponing that collision for a considerable time?

Sir W. SOMERVILLE said, it was certainly true that Mr. Mitchell had put in a plea of that description; but he hoped it would not have the effect of delaying the trial.

THE "NO HOUSE" ON TUESDAY.

Mr. HUME wished to call the attention of the Government to the fact of there being no House on Tuesday, no Member of the Government being present. He trusted that some means would be devised of securing an attendance sufficient to make a House, for the sake of public business. At present there was only one day upon which Government had not the priority. Yesterday, several important Motions stood for discussion, especially one, of which notice had been given by the hon. and learned Member for Oxford (Mr. Wood), and no Member of the Government was present at four o'clock.

Sir G. GREY agreed with the hon. Member that it was desirable, for the sake of public business, that the House should not adjourn for want of a sufficient attendance of Members. He had not been aware that the House would be counted out, and when he came down at half-past four he was surprised to find that a House had not been made. The Members of Her Majesty's Government were much occupied, but it was not their wish that there should be no House on Tuesday.

Mr. G. BERKELEY, in order to continue the discussion, moved that the House do now adjourn. This was not the first time, he said, that a House had been prevented when there was business before it disagreeable to the Government. He had himself been canvassed at the door, and asked not to go in, as there was business disagreeable to the Government; and it was well known that a Motion stood for discussion last night which would have involved inquiry into the conduct of a noble Marquess. As the question of the ballot was approaching, he thought the Government ought to be on its guard, and at least have one or two Members always present to make a House; instead of which, they canvassed Members not to make a House. He hoped the House would not suffer questions to be got rid of by private agreements made at the door of the House.

Mr. PAGE WOOD having been present yesterday, he was not open to any imputation of neglecting his duty, and he wished to take this opportunity of offering a few observations upon the subject of his Motion. He had undertaken to bring it forward solely as a matter of duty. A petition had been put into his hands, complaining of a severe grievance suffered by one-third of the electors of the borough of Stamford, and bringing a serious charge against a noble individual—the Lord Lieutenant of a county; and upon those two grounds he had been exceedingly anxious to bring the matter forward as speedily as possible. He had presented the petition on the 14th of March, and he had endeavoured to fix as early a day as he could to bring it on. The first day on which he had fixed it he had been prevented by the illness of the Speaker; and yesterday he was prevented by there being no House. In justice to the noble individual he had referred to, as well as to the parties complaining of a grievance, he was anxious to bring the question on as speedily as possible; and he thought there should have been one individual at least connected with the Government in the House when it was expected to come on. He was connected with no party; this matter had not been sought by him, but he had undertaken it from a sense of duty. It was a question of great public importance; and, therefore, though he did not wish to impede the business of the country, he had given notice to bring it on the first day the House went into a Committee of Supply.

Mr. HERRIES hoped the hon. Member did not mean to be understood as insinuating that there was any indisposition, on the part of any persons in that House, to discuss the subject he had referred to, or that they were not prepared to repel the accusations made in the petition, and to protect the character of the noble individual who had been so unjustly accused.

Nothing could be more unfounded than to suppose that there had been any understanding with the Government that this matter should not be brought before the House. He was anxious that it should be brought forward, and was prepared to vindicate the character of the nobleman who had been so unjustly attacked in the petition.

COLONEL SIBTHORP said, he thought the House ought to have some explanation from the right hon. Gentlemen opposite as to what they had been about yesterday. Where had they been? How had they been employed? What duties had they been engaged in? If they could not be present themselves, they had a precious lot of well-paid underlings, some of whom might have been there. He therefore thought the House had a right to know what they had been about, that none of them could attend in this House yesterday.

SIR G. GREY said, that when he received information that there was no House, he and his Colleagues were intending to come down, they having up to that time been engaged with important public business. He was quite ready to admit that the hon. Member for Oxford had used his best endeavours for the purpose of bringing his Motion under the notice of the House; and he regretted the occurrence which had occasioned the disappointment to which reference had now been made. Sufficient explanation, as he thought, had already been given on the subject, and he therefore should not further occupy the time of the House than to say that the hon. Member for Glasgow had a Motion on the Paper, and yet he never attended the sitting of the House, neither did the Member Stafford.

MR. HORSMAN thought it was hardly possible to suppose that the occurrence of yesterday was accidental. It was not the first time that such an attempt had been made by the Government—the practice was habitual and systematic; it had been resorted to the last time that he had an Ecclesiastical Motion on the Paper. It was within his own knowledge that subordinate Members of the Government went to the clubs, and told hon. Gentlemen not to go down, for that it was wished not to make a House: that course had been habitually and systematically pursued. Now, he wished to put this to the Government—independent Members of that House had hitherto enjoyed the advantage of two Motion days in the week; owing to the pressure of public business they had given up one of those, and he therefore thought they had a fair claim on the Government to secure them a House upon the other day. If something of that sort were not done, the result would prove rather an impediment to, than a means of, advancing public business, for Members would bring forward their Motions on going into Committee of Supply, and the supply days would, therefore, be lost to the Government; hence the conduct of the Government in this matter would be not only unfair, but unwise.

SIR G. GREY said, the hon. Member who spoke last had asserted that the Government habitually and systematically endeavoured to prevent the attendance of a sufficient number of Members to constitute a House on those occasions when they wished to get rid of a disagreeable Motion; but he did not show that the Government succeeded, and he had given no proof whatever of the assertion which he took upon himself to make. It was, perhaps, not unworthy of notice that amongst the hon. Members who so loudly complained that no House had been made yesterday, not one of them had attended at 4 o'clock. He also could not help observing that the hon. Member for Cockermouth never lost an opportunity of endeavouring to cast a slur upon the Government, although he was wholly unable to prove that any subordinate Member of the Government had interfered in the matter. It was apparently contended by some Members that, without regard to the question whether any Government business stood on the Paper or not, Ministers were bound to make and keep a House; that certainly appeared to him a very novel addition to their duties. If an hon. Member gave notice of a Motion, and 40 Members out of 658 were not sufficiently convinced of its importance to take the trouble of coming down at 4 o'clock, he did not see how any blame could attach to the Government. The true reason that a House was not made yesterday was this, that so soon after the holidays a great many Members had not yet returned to town. He regretted the occurrence, but he did not see how any responsibility with regard to it could attach to the Government.

SIR J. WALMSLEY said, it was only fair to the hon. Member for Glasgow to state that he came down at 4 o'clock, and the only cause of his not having been included in the 27 Members present was, that he had gone up to the library and other parts of the building to search for others in order to make a House.

Motion withdrawn.

SMALL DEBTS BILL.

MR. B. COCHRANE, in moving the Second Reading of this Bill, said he hoped the Government would not object to the alterations he proposed to make in the 9th and 10th of Victoria, subject to such revision as might be made in Committee. The principal object of this Bill was to prevent any party from being imprisoned for debt in any part of a gaol except on the debtor's side, or in any gaol where there was not a debtor's side. If it should be answered there was already an Act, the 2nd and 3rd Victoria, directing that prisoners should be classified, and that debtors should be separated from other prisoners, he would reply that this could be no objection to his Bill, which did but make that more clear. But he had good reason to believe, that the judges of the Small Debts Courts had assumed the power of committing debtors to the felons' side of the prisons: if this were doubted, he could state a dozen or fifteen instances which had been reported to him. Of Mr. Pollett's case he had ample confirmation; so that a debtor could be consigned to a felon's cell, and be compelled to have his hair cut off—for this appeared to be the custom of the prisons in that case. By the 99th Clause of the Small Debts Act, the judge of the court had the power to imprison for forty days a debtor whom he believed to have had since the judgment the power of paying, and who had not paid, a debt ordered to be paid; and this could be repeated on non-payment of each instalment, the judge having the right to divide the payment into as many instalments as he thought fit. In fact, a debtor who owed a sum under 20*l.* was much worse off than one who owed more; and, as the small debtor was not entitled to demand a jury where the debt did not exceed 5*l.*, he was in such a case entirely at the mercy or caprice of the judge. Moreover, by Section 103, imprisonment under this Act did not operate as a satisfaction or extinguishment of the debt. He (Mr. Cochrane) should prefer seeing imprisonment for debt abolished altogether, except in cases of positive fraud or false representation.

The ATTORNEY GENERAL could not, consistently with his duty, consent to the second reading of this Bill. The House had far better at once repeal the late Act for the more easy recovery of small debts, than attempt so to alter it as to suit the views indicated by the hon. Member. The hon. Gentleman seemed to think that the provisions he complained of were introduced for the first time in the 9th and 10th of Victoria; but how stood the fact? By the 7th and 8th of Victoria, c. 96, imprisonment on final process, or in execution, was abolished where the debt was under 20*l.*, except in cases where it should appear to the judge that the debt had been contracted under false pretences, or with a fraudulent intent, or without reasonable assurance of being able to pay it, or where the debtor had fraudulently concealed or made away with his property. This Act was found to operate so prejudicially upon the lower class of tradesmen that they were all in arms against it; and then the 8th and 9th of Victoria, c. 127, was passed, giving power to a creditor who had a judgment for a sum under 20*l.* to summon the debtor before a Bankruptcy Commissioner or a judge of a small debts court; and if the debtor should appear to the court to have been guilty of any of the frauds mentioned in the former Act, or to have the means of paying the debt which he neglected to pay, he might be committed for forty days to any gaol or debtor's prison in the county, and the imprisonment was not to extinguish the debt. This Act restored to the local courts the business which under the previous Act they had lost; and it was found absolutely necessary, therefore, to retain that clause in the present Small Debts Act. Accordingly, that Act gave power to commit in such cases, not for misfortune, but for fraud, to the prison of the court, or the common gaol or house of correction of the district; and if it were to the debtor's side, to live in idleness, these local courts might as well be shut up at once. He felt bound to move that this Bill be read a second time that day six months.

Bill put off for six months.

GREAT YARMOUTH FREEMEN DISFRANCHISMENT BILL.

House in Committee on the Yarmouth Freemen Disfranchisement Bill.

On the question that the preamble of the Bill be postponed,

MR. STAFFORD moved that the Chairman report progress.

The Committee divided:—Ayes 16; Noes 107: Majority 91.

List of the Ayes.

Bagshaw, J.
Barkly, H.
Berkeley, hon. G. F.
Buller, Sir J. Y.
Clay, J.
Clifford, H. M.
Cobbold, J. C.
Colvile, C. R.
Fox, W. J.
Greene, T.
Hodges, T. L.
Rufford, F.
Sturt, H. G.
Thompson, Col.
Vyse, R. H. R. H.
Willoughby, Sir H.

TELLERS.
Stafford, A.
Hume, J.

List of the Noes.

Arkwright, G.
Armstrong, R. B.
Arundel and Surrey, Earl of
Baines, M. T.
Barrington, Visct.
Bentinck, Lord H.
Beresford, W.
Berkeley, hon. Capt.
Boyle, hon. Col.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Busfeild, W.
Campbell, hon. W. F.
Cardwell, E.
Carew, W. H. P.
Chichester, Lord J. L.
Cholmeley, Sir M.
Christy, S.
Cocks, T. S.
Colebrooke, Sir T. E.
Cripps, W.
Cubitt, W.
Divett, E.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, Sir D. L.
Fellowes, E.
Fergus, J.
Foley, J. H. H.
Fordyce, A. D.
Fortescue, hon. J. W.
French, F.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Granger, T. C.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, hon. Capt.
Hayes, Sir E.
Headlam, T. E.
Heald, J.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hill, Lord M.
Hornby, J.
Inglis, Sir R. H.
Jervis, Sir J.
Keppel, hon. G. T.
Kershaw, J.
Lewis, rt. hn. Sir T. F.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Littleton, hon. E. R.
Lushington, C.
M'Naghten, Sir E.
Mahon, Visct.
Maitland, T.
Manners, Lord G.
Martin, S.
Maule, rt. hon. F.
Melgund, Visct.
Miles, W.
Monsell, W.
Mowatt, F.
Newdegate, C. N.
Ogle, S. C. H.
Ord, W.
Palmer, R.
Patten, J. W.
Pearson, C.
Perfect, R.
Philips, Sir G. R.
Pinney, W.
Plowden, W. H. C.
Prime, R.
Raphael, A.
Rawdon, Col.
Ricardo, O.
Rice, E. R.
Romilly, J.
Russell, Lord J.
Scrope, G. P.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Somerville, rt. hon. Sir W.
Spooner, R.
Stuart, H.
Talfourd, Serj.
Thornely, T.
Towneley, C.
Waddington, H. S.
Walmsley, Sir J.
Wilson, M.
Wood, W. P.
Yorke, H. G. R.

TELLERS.
Seymer, H. K.
Stuart, J.

On Clause 1 being proposed,

Mr. STAFFORD felt it his duty again to assert a principle which no majorities of that House could convince him was unsound. There were two reasons why he objected to this Bill: first, because it punished the innocent for the guilty; and, secondly, because it refused to punish that class of persons whom he maintained to be the most guilty of all. It was stated in the report of the Committee, that the amount of bribery proved to have been committed at the last election in the borough of Great Yarmouth was 46*l.* 10*s.*; that the sums given as bribes varied from 7*l.* to 10*s.*; and that the number of freemen bribed consisted of thirteen or fourteen persons. The Committee recommended, upon this evidence, that the whole of the freemen should be disfranchised, though they had been unable to find any proof of systematic corruption, except so far as that proof rested upon the testimony of a single witness. He contended that, in accordance with the principles which ordinarily regulated the administration of criminal justice, the promoters of this measure ought to have contented themselves with bringing in a Bill to disfranchise the fourteen persons convicted of having received bribes. He maintained also, that those who offered the temptation, and held out the bribe, were at least as guilty as those who, in their destitution, accepted it. He held that to select a particular borough, and a particular class in that borough, and visit them with political extinction because they were poor and had yielded to the temptation of being bribed, while they avoided all mention of the tempters, appeared to him impolitic and unjust. He held that when they were taking means to punish those who had been bribed, they at the same time ought to take steps to reach those who were infinitely more guilty. They might depend upon it they never could promote purity of election by such a course as that now proposed; and he believed they could only do so by passing a general Act which would make it criminal not only to be bribed, but to offer a bribe to any elector. If they passed such a Bill as the present, they never could convince those who had no votes that they were actuated by a desire to preserve purity of election. If a Bill was brought in for the purpose of disfranchising Mr. Coble, who had been active in bribing, it would be much more to the purpose.

Mr. SEYMER had a word or two to

say in favour of Mr. Coble and a learned Serjeant, whose name had also been mentioned. He believed that so long as there were persons ready and anxious to be bribed, as was the case at Great Yarmouth, there would always be found persons willing to bribe them; so long as they found people avowedly waiting on for the purpose of being bribed, crowding the stairs of particular houses with that object, and asking for the back arrears of former elections, so long would bribery exist. The evidence given before the Committee clearly proved that many of the electors of Great Yarmouth looked upon bribery as a matter of course, as a custom of the place. The evidence also showed that the freemen were the persons who corrupted both candidates and agents. It would be impossible to avoid corrupt elections so long as persons willing and even claiming to be bribed were found to exist.

Mr. PLOWDEN said, printed papers had been sent to him from Great Yarmouth, in which the most unblushing avowal of bribery was put forth. They called it an "ancient custom," a "privilege" to which they were entitled, denounced as their greatest enemies those who had brought these transactions to light, and styled as their dearest friends those who defended them. He trusted steps would be taken by that House to put down such occurrences as had been proved to take place in this borough.

The clauses of the Bill agreed to.

House resumed.

JOINT STOCK COMPANIES BILL.

House in Committee on the Joint Stock Companies Bill.

On Clause 2,

Mr. HEADLAM proposed to add, that "the word 'commissioner' should mean any country commissioner of the Court of Bankruptcy, having jurisdiction in the town where the principal office of the company is situate." In all subsequent parts of the Bill, wheresoever the word "master" occurred, he proposed to substitute the words "Master or Commissioner."

The SOLICITOR GENERAL considered that the alteration would be a source of inconvenience to all parties. The first effect would be to establish a system of local Masters in Chancery all over the country in the resident Commissioners of Bankruptcy; and incessant appeals would be made, from the diversity of decisions which might be expected from so many different parties.

Mr. HUDSON observed, that the compliment paid to the Masters in Chancery in the present instance was not a compliment in which people throughout the country would generally concur, for they had a horror of coming under their jurisdiction. With respect to the particular objects of the Bill, the feeling prevailed that a local administration would be greatly preferable to an administration centralised in London. Bringing home justice to the door of the people was one of the greatest boons that could be conferred upon them; and, therefore, if the operations under this Bill could be administered by the local courts of bankruptcy rather than by the Masters in Chancery, he should greatly prefer it. He earnestly hoped the hon. Gentleman (Mr. Gibson) would not throw over a suggestion like the one then before the House; but that, if he was not inclined at once to consent to it, he would at least take time to consider it.

Mr. GIBSON said, that was just asking them to give equity matters over to Commissioners of Bankruptcy. [Mr. Stuart: The Commissioners are all equity lawyers.] That might be so; but their modes of proceeding were not analogous to the practice in Chancery. If ever there was a case more than another in which business would be carried on better in London than in the country, it was the case of winding up the affairs of joint-stock companies whose shareholders resided not in any one locality, but were to be found scattered all over the kingdom. In these circumstances, where could they find a more central place than London? It would introduce great confusion to depart from the original plan; and he hoped, if the hon. Member for Newcastle wished the Bill to pass, he would not press his Amendment.

Mr. AGLIONBY said, that from the correspondence he had had on this subject, he was persuaded that, good as the Bill was, it would not be well received by the country generally, if the power of administration was left entirely in the hands of the Masters in Chancery. He hoped, therefore, especially after what had been stated by the hon. Members for Newcastle and Sunderland, the Government would take time to reconsider this matter. He did not doubt the Masters in Chancery were men of ability; but it was well known that their mode of doing business gave satisfaction to no one; and he was satisfied that the Commissioners of Bankruptcy would be found quite as competent. He felt disposed to move that the Chairman report progress, in order to give the Government time to reconsider the subject.

MR. J. STUART entertained so strong an opinion that there should be a discretionary power vested in the Lord Chancellor in any case he thought fit of sending the matter to a Commissioner of Bankruptcy in the country, that he hoped the hon. and learned Gentleman (the Solicitor General) would accede to the suggestion of the hon. Member for Cockermouth, and take time to consider the point.

House resumed.

Committee to sit again.

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, May 4, 1848.

MINUTES.] *Took the Oaths.*—The Bishop of Hereford; The Lord Sundridge; and several Lords.

Sat first.—The Lord Sundridge.

PUBLIC BILLS.—1ª Rawlins' (or Bishops Hull Curacy) Estate; Philanthropic Society Charity Estate; Indemnity.

PETITIONS PRESENTED. From the Magistracy and Others, of Perth, for a Repeal of so much of the Currency Laws as affects the Scotch Banks.—From several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for the Extension of the Privileges of the Benefit Societies Act to that Order.—From several Lodges of various Orders, to Enable them to Purchase and Hold in Common or in Shares, Real and Heritable Estates, on behalf and sole use of such Societies.—From several Lodges of the Nottingham Order of Odd Fellows, for the Insertion of a Clause in the Provident Associations Fraud Prevention Bill, by which their Surplus Capital may be Invested in the Savings' Banks.—From the Inhabitants of Syresham, for Alteration of the Law of Settlement.—From Collessie, for Facilitating the Attainment of Sites for Churches (Scotland).—From the Royal Society for the Prevention of Cruelty to Animals, for the Exemption of Duty on Legacies.—From the United Presbyterians, Sunderland, against the Sale of Intoxicating Liquors on Sundays.—From Schoolmasters within the Presbytery of Burravoe, Zetland, for the Enactment of Measures to Improve the Parish Schools of Scotland.—From the Commissioners of the Supply of the County of Orkney, for an Alteration in the Management of the Crown Lands in Orkney.

HOUSE OF COMMONS,

Thursday, May 4, 1848.

MINUTES.] NEW MEMBERS SWORN. For Bewdley, Viscount Mandeville.

PUBLIC BILLS.—*Reported.*—Poor Removal; Great Yarmouth Freemen Disfranchisement.

3° and passed;—Jewish Disabilities.

PETITIONS PRESENTED. By Sir Joshua Walmsley, from Leicester, for Extension of the Elective Franchise.—By Mr. Clay, from Members of the Hull National Charter Association, respecting Alleged Forgery of Signatures.—By Lord H. Bentinck, from Sutton in Ashfield (Nottingham), for Alteration of the Law respecting Bishops.—By Mr. Gaskell, from Much Wenlock (Salop), and by Mr. Sheil, from Hardwick (Bucks.), in favour of the Jewish Disabilities Bill.—By Alderman Copeland, from Wesleyan Methodists of Hanley (Stafford), and by several Hon. Members, from a great Number of Places, for Better Observance of the Lord's Day.—By Mr. Gibson Craig, from the Parishes of Girthon and Amroth, in favour of the Places of Worship Sites (Scotland) Bill.—By Mr. William Evans, from Alfreton and its Vicinity (Derby), and by Mr. Moody, from Crewkerne (Somerset), for Repeal of the Duty on Attorneys' Certificates.—By Mr. Ellice, from several Charitable Institutions at Coventry, and by Mr. Mackinnon, from the Committee of the Royal Society for the Prevention of Cruelty to Animals, for Exemption of Charitable Bequests from Legacy Duties.—By Mr. Fox Maule, from the Town Council of Perth, for an Alteration of the Banking Law.—By Mr. Evelyn Denison, from several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for an Extension of the Benefit Societies Act.—By Mr. Anderson, from the Commissioners of Supply (Orkney), for Inquiry into the Crown Lands of that Place.—By Mr. Masterman, from Members of the Congregation of the Church of St. Andrew, Bethnal Green, and by Mr. Wilson Patten, from the Parish of Tunstal (Lancaster), against the Diplomatic Relations, Court of Rome, Bill.—By Lord Robert Grosvenor, from Proprietors of Private Schools and Seminaries, in the Vicinity of Liverpool Road, St. Mary's, Islington, against Erection of the London Fever Hospital.—By Mr. Charles Buller, from the Guardians of the Eton Union (Buckingham), for Alteration of the Law respecting Mendicancy.—By Mr. Long, from Winsley-cum-Limpley, Stoke, Wilts, for Alteration of the Law of Parochial Assessments.—By the Marquess of Douro, from Norwich, and its Liberties, for Repeal or Alteration of the Poor Removal Act.—By Viscount Duncan, from the Council of Bath, and from Inhabitants of the City of Worcester, against, and by Mr. Willcox, from Southampton, for Alteration of, and by Mr. Cardwell, from Haggerstone, and several other Places, in favour of, the Public Health Bill.—By Sir Henry Halford, from the Board of Guardians of the Blaby Union, for Alteration of the Law of Settlement.—By Mr. G. Hamilton, from Members of the Bath Church of England Lay Association, for Encouragement to Schools in Connexion with the Church. Education Society (Ireland).—By Sir J. Hope, from Tenant Farmers, and Others, in the County of Edinburgh, respecting Assessment on Turnpike Roads (Scotland).—By Mr. Rutherfurd, from the Town Council of the Royal Burgh of Peebles, for Alteration of the Law of Prisons (Scotland).

THE LATE SERJEANT-AT-ARMS.

LORD J. RUSSELL rose to move a Resolution—

> "That this House entertains a just sense of the zeal and ability with which the late Sir William Gossett uniformly discharged the duties of the office of Serjeant-at-Arms during the period of his attendance upon this House."

The noble Lord observed, that it was unnecessary for him to dilate upon the merits of their late Serjeant-at-Arms, in inviting the House to express its sense of them. After having rendered distinguished services in other departments, both military and civil, Sir Willliam Gossett entered upon his office in this House with a high character, and he had retained that high character by the manner in which he had discharged his duties as Serjeant-at-Arms. He, therefore, moved that the House do adopt the resolution of which he had given notice.

SIR R. H. INGLIS seconded the Motion.

From a personal knowledge of the individual, and from his experience of the manner in which the late Sir William Gossett had discharged the duties of his office since he had entered the House, he could testify that the noble Lord had not overstated his merits; and he thought it not too much to ask the House to record its opinion, as a sort of monumental eulogy, of this eminent individual—eminent for his military and civil services before he entered that House, and for the manner in which he had discharged, for twelve years, with firmness and courtesy, duties which were always difficult, and sometimes (as some of them might remember) painful. He heartily concurred in the Motion of the noble Lord.

The Resolution carried *nemine contradicente.*

DIPLOMATIC CORRESPONDENCE (SPAIN).

Mr. URQUHART said, it could not fail to be in the recollection of the House that there had recently appeared in the newspapers a remarkable and almost incredible correspondence, said to have taken place between the Foreign Secretary in this country, the British Minister in Spain, and the Spanish Government. From that correspondence it appeared that the noble Lord the Member for Tiverton sought directly to interfere for the purpose of producing a change in the Government of Spain. It appeared also that the note of the noble Member for Tiverton had drawn forth from the Spanish Minister, the Duke de Sotomayor, an indignant reply, in which he repelled with scorn such an interference in the internal affairs of an independent State. Now, the questions which he desired to put were these :—" Was the correspondence authentic ? and, if so, was there any objection on the part of the Government to lay that correspondence on the table of the House, as well as the two other letters which were understood to relate to the recall of the British Minister from the Court of Madrid ?"

Lord J. RUSSELL said: The hon. Gentleman has asked two questions, and has accompanied his inquiries with qualifications and epithets upon which it is not necessary that I should make any observation. The hon. Gentleman refers to certain correspondence which purports to consist of letters passing between Her Majesty's Secretary of State for Foreign Affairs in this country, and the British Minister at Madrid; and he wishes to know if that correspondence in the form in which it has appeared in the public journals, be authentic. In reply to this question, I have in the first place to state, that there has been an important omission in the despatch of my noble Friend the Member for Tiverton. It begins substantially thus—I cannot pretend to be strictly accurate as to the words, but it is nearly in these terms —he "earnestly recommends, if an opportunity should arise," and so he proceeds to state what he does recommend. Now that is different from the words of the despatch as they appeared in the newspapers; and I submit that it is an important difference. There is an obvious difference between an absolute instruction to take a particular course, and a direction to wait till a certain opportunity arises for presenting a note. In the next place, the hon. Gentleman states that the Duke de Sotomayor indignantly rejected the advice thus offered to him. It may, perhaps, be as well, before I go further, that I should refer to some anterior proceedings, and, looking to those, I find that this country is bound by a treaty which lays us under an obligation, when called upon for that purpose by Spain, to supply assistance by sea, and to furnish certain quantities of arms and ammunition for land service, with the purpose of maintaining the present Queen on the throne of Spain. Considering, then, the obligations of this treaty, and considering the sums of money due by the Spanish Government to England for arms and for the munitions of war; remembering the treaty which obliges this country to make naval efforts for the maintenance of the Queen's Government in Spain; bearing in mind that if called upon we have engaged to make those efforts—it is, I conceive, our right thus to tender advice, and it is natural that we should desire that any danger of disturbing the Government of Spain should not be recklessly incurred; at least, we were entitled to give such friendly advice as appeared to us best calculated to avert civil war. Of this I feel perfectly assured, that that was all that my noble Friend intended; he did not intend any thing like dictation. But this country being in alliance with Spain, he did mean to offer such friendly advice as was consistent with the relative positions of both countries, with the interests of Spain, and with the engagements into which we had entered. To the questions of the hon. Member that is the general answer which I am enabled to give. My noble Friend will state whether he has any objection to produce the correspondence. I may add, however, that we have no wish to withhold any paper calculated to afford such information as the House may desire on this subject.

MR. URQUHART, seeing the noble Lord the Member for Tiverton in his place, wished to know whether the recent distinction conferred upon the British Minister at Madrid had been resolved upon before or after the late proceedings in Spain?

VISCOUNT PALMERSTON: I am sorry I was not present when the hon. Gentleman put his questions. I have now, however, to state, that I entertain no objection to laying before the House the correspondence to which the hon. Member has referred. The papers are already in course of preparation, and I have no doubt that on Saturday they will be quite ready. With respect to the distinction recently conferred on Mr. Bulwer, I have no hesitation in saying that advice was given to Her Majesty to confer that honour long ago—it was given as a mark of Her Majesty's approbation of his general services, and recent events have certainly supplied no reason for altering that determination.

DENMARK AND PRUSSIA.

MR. URQUHART now wished to put his second question. A short time ago the hon. Member for Buckinghamshire called the attention of the House to the treaty by which England had guaranteed those rights of Denmark, which at the present moment were openly infringed. He wished to know, then, whether the present Government intended to maintain the treaty—whether any mediation on the part of England had been offered, and if that offer had been accepted?

VISCOUNT PALMERSTON: No case has arisen to call for our interference with any view to a fulfilment of the guarantee which we gave with regard to Demark. In reply to the hon. Gentleman's question respecting our offer of mediation, I have much pleasure in being able to state that our offer has been accepted. The German Confederation, with the Prussian Government as its organ, on the one hand, and Denmark on the other, have agreed to accept our good offices, and communications are at present going on with a view to render that mediation effectual.

MR. BANKES wished to know how it happened that the letters of the noble Lord were printed in the Madrid newspapers before they reached the hands of the Spanish Ministers?

LORD PALMERSTON said, that the hon. Member reminded him of the anecdote of Charles II. and the Royal Society, respecting the question about the fish. The hon. Member asked how the publication happened. It never had happened; the papers were not printed before they reached the hands of the Spanish Ministers. He believed they had first appeared in the *Presse.* He did not know whether they appeared in the *Clamor Publico;* but in that paper there did appear a short paragraph, in which it was said that the writer understood it was the intention of the British Minister to present a note to the Spanish Government. That certainly appeared some days before the note was presented, but he did not know how that paragraph came to be inserted. He should have no objection to add it to the papers that he intended to lay before the House.

JEWISH DISABILITIES.

On the question that the Jewish Disabilities Bill be now read a Third Time,

SIR F. THESIGER: Mr. Speaker, in rising to offer the opposition to the third reading of this Bill, of which I have given notice, I trust that it will not be necessary for me to trespass for any length of time on the indulgence of the House, while I explain the reasons which induce me to object altogether to the measure. I am most anxious to have an opportunity of giving this explanation, because I happen, unfortunately, to find myself opposed upon the present occasion to some with whose opinions on all important questions I have been in the habit of generally agreeing, from whom I cannot differ without the most unfeigned regret, and with the deepest distrust of the propriety of my own judgment. I was not able to be present at the debate upon the second reading of this Bill; but I have endeavoured to make myself master of every argument which has been urged in its support. I have considered them, I trust, without prejudice; I might even add that I have done so with a sincere desire to be convinced if I were in error; but I am compelled to say that I have found nothing of sufficient weight to overcome the opinion which I originally entertained upon the subject. I am aware that those who take the part of opposition to this measure must expect to be assailed by charges of timid and narrow-minded intolerance and bigotry. I am not aware that I am actuated by such motives. But the spirit of persecution may be a subtle and insidious one, and I may be possessed with it, without being conscious of its existence. I must be content then to share the imputation with many whose lives are a practical refutation of it; and to whatever obloquy I may expose myself, it would betray a weak and pusillanimous spirit to be deterred by such apprehensions from expressing my conscientious conviction on a question of such importance as that which is at present before the House. Sir, in approaching this subject I have endeavoured in the first place to ascertain upon what principles it ought to be decided; and without venturing to question the judgment of those who differ from me, I have satisfied myself that the argument cannot be placed on directly religious grounds: not that I mean to deny that the whole range of political science is embraced in the wider circle of religious wisdom, nor to admit the possibility of any one being a consummate statesman whose conduct is not guided and governed by a constant regard to religious motives and principles. But what I mean to assert is, that as far as I have been able to discover, there is no express declaration of God's will, no specific precept of the divine law, which has been given us to determine this question. Undoubtedly there are prophetic denunciations of awful import, which are at this moment accomplishing with respect to the Jews, making them a standing testimony to the truth of Christianity, and with which some good and religious men think we should interfere by adopting the measure proposed to us. I confess that I am astonished and grieved at such an argument. To imagine that anything which can be done by weak and insignificant creatures in the administration of the affairs of this lower world, could possibly disturb the counsels of the Almighty, or interrupt in the least degree the perfect accomplishment of his designs, would appear to me, but for the religious spirit which breathes through the argument, to be the height of arrogance and impiety. That the Jews are to remain for some indefinite period of time a dispersed and expatriated people, I implicitly receive on the authoritative declaration of the Scriptures. But their present condition, scattered throughout the world, without any national polity, without any place as a nation, is all that the strict fulfilment of the prophecy appears to require; and how it can be affected by their admission to the full rights of citizenship in this or any other country, I am utterly at a loss to imagine. This may appear to some to be abandoning the lofty ground upon which the argument ought to be raised; but I trust that I shall not be found to have placed it upon weaker foundations. I am compelled also to state that I do not entirely agree with those who think that by the admission of the Jews to Parliament we should unchristianise the Legislature. Many persons have expressed an apprehension that when we shall have struck out what the noble Lord the Prime Minister of the country, by an unfortunate choice of expression which has not been overlooked in the debate, thought proper to call "the fag-end of the declaration," the Jew would be at liberty to assail our religion with scorn and contempt, and to treat it as an imposture and "a cunningly devised fable." I am persuaded that there is no ground for such alarm, and that our protection from such indecorum does not depend upon any power and virtue in the declaration: it is because Christianity is interwoven with the spirit of our constitution, and acknowledged as one of its essential foundations, that it is safe from assaults of this character. It may be subjected to sober and temperate discussion, from which truth has nothing to dread, for in such a contest it must be the conqueror; but any one who ventures to question its doctrines will be compelled to touch them, as Mr. Burke beautifully expresses it, "as he would the wounds of a father, with pious awe and trembling solicitude." As long as the feeling of the nation is in favour of Christianity, that feeling will be reflected in a majority of this House, and will impose upon the Jew the same moral restraint and the same forbearance as must now be shown by the professing Christian, but real infidel. And therefore, if ever the Jew should unhappily take his seat amongst us under the mutilated declaration which the noble Lord proposes for his profession of faith, it appears to me that Christianity will still remain one of the essentials of our constitution—will still be as much part and parcel of the law of the land in whatever sense these words are understood, as it was before. Quitting, therefore, the elevated but not secure grounds on which some have exalted the argument, and dismissing the apprehensions which have disquieted the minds of others, let us ascertain whether there will not still remain strong and well-grounded objections to the admission of the Jews to Parliament. In offering my views upon the subject, I should wish to be permitted to consider in the first place the case of the unbeliever in Christianity in general, apart from that of the Jew; and of course the argument must be taken to apply to open and avowed infidels, because concealed ones it is impossible to exclude. Let me, then, suppose a society of men established for any given purpose; and take for granted, as I am entitled to do, that such a society can only be held together by the confidence of all the members, in the sincere desire of each to maintain the common purpose. A person who was not very warm and zealous in the promotion of the common object, might be admitted to such a society; or even one who, agreeing generally in the ends for which it was instituted, differed as to the means by which they were to be attained. But surely if a person avowed beforehand that his object was to defeat the general purpose, or if he might be reasonably suspected of entertaining such a design, or if even without suspicion of his having any formed and settled design upon the subject, he was known to profess principles and to prefer objects utterly inconsistent with those for which the society was formed, it would be the height of imprudence to admit him as a member. Much more strongly would the objection apply, if such a society were governed by a smaller number of its members, and the question was one of admission to the ruling body; because, although it might be sufficient to exact from the ordinary members an abstinence from any active hostility to the purposes of the society, yet in one of the governing body, you would require an assurance of his being disposed sincerely, heartily, and zealously to support and maintain them. Let us apply the argument to political societies—what are the objects for which they are instituted? That men may securely enjoy the fruits of their industry—that they may be protected from mutual aggression—that they may live happily and unitedly together. But these objects cannot be secured without the establishment of some rule of moral conduct; and therefore all political societies may be considered as societies for the maintenance of some kind of morality. Christian nations go farther than this, and hold that Christian morality is necessary for the peace and security of society. But it is impossible that Christian morality can exist apart from Christian faith; and Christian faith and Christian morality together constitute the Christian religion. If, therefore, religion must be the foundation of morality as it is the basis of civil society, and the source of every good and of every comfort, Christian legislators ought to esteem it their primary duty to maintain the Christian religion as absolutely essential to the welfare of a Christian community. An infidel might well desire to become a member of such a society; and, considering the principles which are likely to prevail in it, it would probably be the wisest and the safest course for his happiness and security: nor would it be justifiable to refuse him admission. But if his aim and object were to become a member of the governing body, other considerations would immediately spring up, and an invincible objection would arise out of the very constitution of the society, and the character of its legislation. Nor would this objection apply merely to the impropriety of his having a control over matters of religion; but it would be a disability extending to all laws, and utterly disqualifying him for any portion of the duties of a legislator. All human laws must require some higher sanction than themselves for their ultimate obligation. There must be a law above every other law, which ought to be engraven upon every heart—which should be the rule of conduct in public as well as in private life—which is the standard to which all lower laws must conform, and by an appeal to which their rectitude and propriety must be tried. It is this which should guide the wisdom of the legislator, and infuse its spirit into every part of his legislation. What is the standard to which all Christian nations appeal, but the high moral code of Christianity? By this the comparative merit of any two systems of laws must be decided; and without this arbiter, there can be no ground of preference between them. Having experienced the excellence and superiority of our standard, are we prepared to abandon it, and to take up with some lower and meaner one? To what is it that the infidel appeals? He takes for his guide either the law of nature or the glimmering light of his own reason, and rejects with scorn that higher and nobler rule to which the Christian makes his ultimate reference. He disdains that which adds wisdom to the wisest, and strength to the strongest. He absolutely disqualifies himself for sharing with us in framing the least of our laws, because we legislate upon a different rule, and conform to a different standard. Are we not, then, justified in exacting a test from all who enter these walls, by which we may obtain a profession at least of their sincere desire to uphold the same morality and to legislate upon the same principles as the Christian legislator? Are we not right in inscribing as it were over our portals that this is the temple of Christianity? True, we cannot prevent men of other thoughts finding their way amongst us, for there are no ramparts that human prudence can devise which fraud will not overcome or creep through. But we must be content to have done all in our power for our own security; and if men will profess what they do not believe, and play the hypocrite with our declaration, upon themselves be the guilt and the shame of such baseness and duplicity. But whatever may be the conclusion as to infidels in general, it has been said that the Jews stand in a different position. That "they believe in the same God and the same divine revelation as ourselves, and that, humanly speaking, they are the authors of our religion." Now, my right hon. Friend the Member for Tamworth has given an answer to this argument in language which cannot be improved. He says—

> "The religion of the Christian and the religion of the Jew are opposed in essentials. Between these there is complete antagonism. I do not consider that the concurrence of the Jew with the Christian in recognising the historical truths and divine origin of the moral precepts of the Old Testament, can avail to reconcile their difference in respect to those doctrines which constitute the vital principle and foundation of Christianity."

It is indeed vain to compare the faith of the Jew at the present day with that which existed before the advent of the Messiah. Then, their just men indeed lived and "died in faith, not having received the promises, but having seen them afar off, and being persuaded of them, and embraced them." Now, the oracles committed to their charge are dumb, or speak to them in a language which they will not understand, "because to this day, when Moses is read to them, the vail is upon their hearts." Their most striking types are to them mere allegories—their prophecies a dead letter—their promises of none effect. But the hon. Gentleman the Member for Buckinghamshire urges upon us that the religion of the Jews is a true religion, although not the true religion; and that as far as religion can be a security for their conduct—for their public morality and justice—we have in the religion of the Jews the best sanction in the world, except that of our own Christianity. Sir, I beg leave to deny that in any sense the Jewish religion is a true religion. Any religion which so lamentably falls short of and rejects the truth, must be as false as one which corrupts it with additions. The Jewish religion is not a reality, but a shadow of something which has passed away, and its power to support morality must be as baseless as itself. Indeed, no false religion can permanently uphold morality. Its falsehood and inefficiency must at last be discovered. And in the mean time either its professors do not believe it, and then it is nothing; or if they do, they not only act upon a rule which confessedly falls short of the Christian one, but they are bound to oppose that which constitutes the ground of our morality, the Christian religion. But let me try the extent to which the noble Lord proposes to carry his liberality in admitting men who are not Christians to the Legislature. I will assume—what I fear is not a mere imaginary supposition—that there may be dispersed throughout the country as many Deists as there are Jews, and that amongst them there may be some who in station, wealth, and intelligence, are as competent to sit in this Assembly as the few Jews who are expected to find admission amongst us. These men have their narrow code of morality, fenced in by the feeble sanctions of respect to the opinion of the world, and regard to their own character. They may have scruples as to adopting our declaration. Suppose they were to come to the noble Lord and say, "We are anxious to serve our country in Parliament; but we are deterred by the profession of faith which you exact from us. We have no wish to enter the Legislature under false pretences—we despise all religions, and will not profess belief in any. Strike out, then, the fag-end of the declaration, and relieve us from this burden on our tender consciences." Is the noble Lord prepared to yield to such an application? I do not gather it from the nature of the present Bill, nor from what the noble Lord said upon its introduction. Upon that occasion he used these expressions:—

> "Far be it from me to say for a single moment that the religion of a man should be a thing apart from his public or private life. I wish to state my opinion to be otherwise. And I think that in all the affairs of private life, in the daily occupations of men, or the pursuits of the several trades and business which they exercise, religion has influence, and ought to have influence. I shall say still more when speaking of the Legislature which

has to dispose of and control the various interests, ecclesiastical and secular, of the country, that religion ought to influence and control the decisions of its members."

What religion, we may well ask in passing, does the noble Lord mean but the Christian religion, which he, of course, acknowledges to be the only true one? But if the noble Lord would not assist the scrupulous Deists by moulding the declaration to their views, will he tell us in what respect he considers the Jew to be better than the Deist? Judaism appears to me to be nothing else but Deism dressed up in the worn-out robes of what was once the true religion. The Jews also are exposed to the additional objection which has been so frequently adverted to in the course of these debates. They are scattered over the face of the earth, distinguished from the nations amongst whom they dwell, in opinions, in habits, and even in appearance. It is the marvellous, the miraculous peculiarity of this extraordinary people, that they expect at some future day to return to that inheritance which they received from God, and of which they have been temporarily deprived for their sins; but "the times and the seasons when God will restore again the kingdom to Israel, he has put in his own power." No man can know when the period will arrive, and therefore every believer must be in constant expectation of the event. But with such an anticipation, they may be scattered upon the soil, but it is impossible they can take deep root in it. They look for another country, and can feel no national sympathy with that in which their lot happens to be cast. This would not perhaps alone furnish a sufficient ground of exclusion, but it is a reason against the admission of the Jew to Parliament, which does not apply to any other unbeliever. And this, too, appears to answer the argument which is drawn from our having permitted the Jews to enjoy corporate offices and magistracies; because neither the Christian faith, nor the national spirit, are absolutely necessary for the administration of these subordinate functions; whereas they are essential to the character and duties of a Christian legislator. But it is said that we are inconsistent in our proceedings—that we have admitted the Unitarian and the Quaker to seats in this House, and that we cannot stop short and exclude the Jew. Now this argument appears to be founded on an entire misapprehension. We never have passed any laws for the express purpose of admitting either the Unitarian or the Quaker to the Legislature. The Unitarian has never been excluded. His title to be considered a Christian may possibly be denied; but he never hesitated to make the profession of the faith, and to adopt our declaration. The Quaker came in under the operation of a general law passed in the reign of George II., enabling persons of that persuasion, in all cases in which an oath was required, to make an affirmation—language which was sufficiently comprehensive to apply to the case of sitting in Parliament. And the new declaration, which was prescribed in the year 1833, and in which the words "on the true faith of a Christian" are not contained, applies to all occasions, and extends to the Moravians as well as to the Quakers. The peculiar characteristic of the present measure (and it is worthy of serious attention) is, that it is the first time any attempt has been made to introduce within these walls persons who are not merely indifferent, but positively hostile, to the Christian religion. But we are told that we owe the Jews this act of justice, on account of many centuries of persecution. Sir, I have never been able to understand this argument. I try in vain to discover the connexion between the supposed historical debt, and the manner in which it is to be discharged. What logical agreement is there between these two propositions? The Jews were pillaged, tortured, banished, in the reigns of our Henries and Edwards, therefore their children's children, in a remote posterity, ought to be allowed to become legislators, as an indemnity for such cruelties. Surely, this is not a sound method of legislation. Let us read the early history of our country to learn and to abhor the barbarities which were then practised upon this unhappy people. Let us avoid any imitation of them either in the coarse and cruel form in which they were formerly exhibited, or in the milder character which our advanced civilisation and improved humanity would now demand. But let us determine their claims upon their present merits; and satisfy them according to the demands of present expediency, or justice, which is the highest expediency. But it appears to me that it is an abuse of terms to call the exclusion of the Jews from Parliament a persecution. Its object is not to punish, or degrade, or compel a change of opinion; it is solely to protect the religious and Christian part of our constitution; as the other disqualifications which exist are intended to protect the political part. But it is suggested that we dishonour our religion by expressing any apprehensions as to its safety from the admission of a few Jews to Parliament. Sir, this observation may be powerful as a sneer, but it is weak as an argument. Because I know that my Church is founded on a rock, shall I therefore admit a single enemy to approach sufficiently near to undermine or to blast it? Because I believe the citadel of my faith to be impregnable, shall I therefore throw open its gates and take no precautions against an assault, because only a very few adversaries may by possibility enter? Sir, I know what fatal consequences sometimes follow from over-confident security; and though I am firmly persuaded that God will defend his truth, yet I am not therefore discharged from the sacred obligation and the high office of being a humble worker with him for its maintenance and protection. But we have experienced a different species of attack, and find that even the weapons from our own armoury are turned against us. We are pressed by Christian precept and Christian parable. Sir, there is nothing more to be watched than the application of texts of Scripture to meet a particular occasion. The noble Lord has endeavoured to turn against us that comprehensive rule which appears to embrace the whole circle of Christian morality—that we should do to others as we would they should do unto us. How does the noble Lord interpret this golden rule? Does he understand by it that we are to act towards others as we should wish them to act to ourselves? If so, he would make wild work with all civil justice; but if he restrains its meaning, as he should, to our acting to others as we should justly and reasonably expect them to act towards us, I am content to adopt his rule, and to give him the full benefit of its application to the present case. Sir, I know that I am commanded to love my enemy; but I am not required to put a sword in his hand for my own destruction. I am taught by that beautiful parable, of which the noble Lord made so striking an use, never to turn away from the sufferings of a fellow-creature—to make sacrifices for his relief—and not to be content with mere passing and casual assistance, but to afford it as long as his necessities require; but I am nowhere told to take the sufferer into the bosom of my family, or to make him lord over my household. Let us apply to the Jews the lessons which we learn from Scripture with proper Christian understanding. As their forefathers, who were carried away captive into Babylon, were commanded to do, "let them build houses and dwell in them; let them plant gardens, and eat the fruit of them; let them take wives, and beget sons and daughters; let them seek the peace of the land in which they dwell, and pray for it;" and God grant that in our peace they may have peace! Let us exhibit towards them true Christian charity, communicating with them in all good offices, exhibiting to them all kindness, indulgence, and brotherly love; imparting to them all rights and privileges which are consistent with our own safety; but let us also manifest a true Christian courage and resolution, no less an essential part of the Christian character. "Let us behave ourselves valiantly for our country, and for the cities of our God;" and let us not yield to our adversaries the least vantage ground from which they may be able successfully to assail that religion which is the foundation of the peace, the security, and the happiness of this Christian community. I beg leave to move that this Bill be read a third time this day six months.

Mr. TRELAWNY observed, that it had been objected that the principles of the Jewish people were incompatible with the duties of civil government; but when, in 1807, the Jews in France were asked by Napoleon whether there was anything in the principles of their religion inconsistent with those duties, the Sanhedrim solemnly considered the subject, and declared that there was nothing in the Jewish religion inconsistent with a proper allegiance to the Sovereign of any country in which Jews might reside. He would ask the House whether Jews had not precisely the same interest in preserving the public peace, and in protecting property, as their Protestant or Catholic neighbours? He considered that it would be much better at once to deport from this country the 40,000 Jews who were now residing here, or to treat them according to the cruel and intolerant practices of ancient times, than to allow them to remain subject to civil disqualifications prompted by a narrow spirit of sectarian bigotry. It was very commonly objected against the Jews that many of them were usurers; but what had led them to become traders in money? The fact that they were not allowed to hold land, and hence, having accumulated gold, they became traders in that commodity. They had been told, also, that there were prophecies that the Jews should never hold political power. He wished to speak with reverence on this subject; but, unfortunately for the persons who brought forward this argument, it happened that in many countries the Jews did possess political power. In fact, the Jews possessed such power in this country, for they were now entitled to vote for Members of Parliament. They had been told that if the Jews were admitted into Parliament, Hindoos and Mahometans might also be admitted. He must say, for his own part, considering the great number of Hindoos under the rule of this country, he did not see why, if any constituency chose to elect a Hindoo, he should not be allowed to sit in that House, to acquaint them with the grievances of the Hindoo people, and to advocate their interests. He conceived that the principle of admitting Jews into that House had already been virtually conceded by granting them the exercise of the elective franchise.

MR. WESTHEAD said: Sir, there is something almost awful to the mind of him who, conscious of his own littleness, stands up for the first time to address this assembly of the great, the eloquent, and the wise, on any topic, how trivial soever its import: much more trying, then, is the task of speaking, for the first time, in this House, on the subject which is now under discussion—a subject which involves principles of greatest import, and which is of an interest so wide-spreading, that he who delivers his sentiments upon it in this presence may, without exaggeration, be said to have Christendom for his auditory. I throw myself, therefore, on the indulgence of the House. The question now before us, although affecting points of the most serious character, is brought before the Legislature in a manner widely different from that in which other great questions have from time to time been presented to its notice. We hear not the appeal of myriads demanding, with solemn earnestness or energetic expostulation, the acknowledgment of supposed rights, or dwelling with power and pathos on alleged wrongs. Unaffected by that excitement and impressiveness which the association of vast numbers gives to an occasion, we are permitted to approach, with calmness and self-possession, the consideration of this subject, and to listen to the dictates of enlightened conscience in the performance of our sacred duty;—like the prophet of Israel, who reverently awaited the guidance of his God, but found it not "in the great strong wind"—not "in the earthquake"—not "in the fire"—but "in the still small voice." I should, in all probability, have been content to give a silent vote on question, but for the conviction that a considerable number of persons, of estimable character and deep religious feeling, of the Wesleyan community, in which I am extensively known, may be anxious to learn the reasons which have actuated me, in determining to support this measure. It cannot be expected that, on a topic of this kind, the arguments to be adduced, either on the one side or the other, can be stated or enforced without reference to that Book, which is the authority—the only universally admitted authority—of the Protestant community. At this stage of my address, then, I feel bound to state that, in forming my opinion upon this subject, I have endeavoured to submit my understanding to the principles which are given, and to the rules which are contained, in Holy Writ; and the result is, that I find myself constrained, by the teaching of the Gospel and of the holy Apostles, to vote in opposition to many whom I greatly respect, and for whose views upon this measure I can make the most ample allowance, since candour compels me to admit that I found it no easy task to overcome the prejudice which I had entertained upon this topic. I say "prejudice," because my opinion upon it was formed, unconsciously, from previous associations, and not from any course of examination, or process of argumentation, on my own part, or in my own mind. I felt it difficult for me, as a Christian (an honest, I trust, though unworthy member of that high profession) to become a party to a national transaction which might be construed as an indignity to Him of whom I am not ashamed, but whom, in this assembly, in unison with the gifted and hon. Member for Buckingham, I "confess" as "my God and Saviour." Impressed, therefore, with a sense of my responsibility on this question, I have carefully sought for information from various sources, both written and oral, but chiefly from Holy Scripture; and I am free to acknowledge that, so far from finding a confirmation of my prejudices, I have failed to discover any authority from the inspired word, or any satisfactory argument from other sources, for maintaining or attempting to advance the Christian faith by excluding any of the peaceful, well-conducted, and intelligent subjects of this realm from a relatively equal participation in the rights of citizenship. On the contrary, I find much that confirms me in a directly opposite conclusion. Christianity was not, I conceive, intended to diminish the rights of man, but to support and develop them; not to make the yoke more painful, or the burden more oppressive, but to make the yoke easy, and the burden light. The opponents of the Bill of the noble Premier believe, I presume, that Christianity is to cover the whole earth. Will they tell us at what stage of its progress, in each particular country, its professors are to act upon the doctrine that Christians alone are entitled to the rights of citizenship in their full and proper sense? Will it be, or ought it to be, when a bare majority of the people have embraced the profession of Christianity? What if there should be an excess of Christians, at some future day, to the extent of a million, over the followers of Confucius in China, will it then be right to decitizenise the myriad minority of that empire?—or, if we allow the conversion to Christianity of the Emperor, and a powerful minority, will it be in accordance with the Gospel to extinguish the existing privileges of the mighty majority, or to limit them, and to say, "Hitherto shall ye go, and no further?" I cannot see any sanction in the Gospel for such a procedure; and I find no response in my own breast in accordance with such a position. I grant, indeed, the position contended for by that great, that good, man (whose name has been introduced as an authority in this discussion), Dr. Arnold, that—

> "every people, in that country which is rightfully theirs, may establish their own institutions and their own ideas, and that no stranger has any title whatever to become a member of that nation unless he adopts their institutions and ideas."

But then, I also maintain with him, that the question—

> "is not what a Government may impose upon its subjects, but what a people may agree upon for themselves; and that though England does not belong to the Sovereign, it belongs to the English, and the English may most justly say, they will admit no stranger to be one of their society. If, however, they say they will admit him, that is, if Parliament pass the Jew Bill, I do not dispute their right as Englishmen to do so, and I owe obedience to their decision."

More I wish not from any writer, in justification of the removal of the impediment to the admission of the Jews into this House. Passing over, for a moment, the misapplied term, strangers, it is, you see, allowed by Arnold, that Englishmen have a right to admit them into Parliament; and for himself, at least, he plainly set aside all objection to the proposed measures, on the ground that our right to exclude the Jews from Parliament is sanctioned by the Divine law. But, I ask, can we consider the parties, on whose behalf the Bill is presented, as strangers? Have they not lived among us, if not for centuries, at least from generation to generation?—have they not conducted themselves in a manner beyond all exception?—have they not cheerfully submitted to all the taxes of the State?—have they not evinced conformity to the general feeling of the community? When pestilence and famine have threatened our country, have not their solemn prayers for the averting of God's anger ascended along with those of the Christian people of this land? or on occasions of national thanksgiving, have not their prayers ascended with ours to the God and Father of us all? I find in the journal of the Rev. John Wesley this description of the conduct of the Jews, on the fast-day observed on the 6th of February, 1756:—

> "Even the Jews observed this day with a peculiar solemnity. The form of prayer which was used in their synagogue began, 'Come and let us return unto the Lord; for he hath torn and he will heal us;' and concluded with these remarkable words, 'Incline the heart of our Sovereign Lord King George, as well as the hearts of his lords and councillors, to use us kindly, and all our brethren the children of Israel; that in his days and in our days we may see the restoration of Judah, and that Israel may dwell in safety, and the Redeemer may come to Zion."

On the general fast-day in March, 1847, the Chief Rabbi of the Jewish people preached a sermon in the Great Synagogue in London, in the course of which he used these words:—

> "We, who are so happy as to enjoy all the blessings which endear to us a home, a native land—we, who share its freedom, its liberties and institutions, its laws and privileges—we, to whom this country is a mother, a nurse, a guardian—we cannot think with indifference of any danger which threatens its welfare; we cannot think without horror of its being deprived of those blessings."

In another part of his discourse, Dr. Adler said—

> "There may be many who think 'What is Ireland to us? It is distant and beyond our circle.' But are not the sufferers human beings? Are they not flesh of our flesh, and bone of our bone? Have we not all one Father? Hath not one God created us? Why, then, should we deal treacherously against our brother, by profaning the covenant of our Father? And, besides that argument,

are the sufferers not our countrymen, subject to the same Sovereign, enjoying the same constitution? Do they not breathe the same air? Have they not the same sky, the same ground, the same friends, the same enemies as ourselves?"

Evidently, the Jewish people sympathise with us Christians, and consider this land their home. It has been asserted by the right hon. Baronet the Member for Oxford, that "it is no more persecution to maintain the exclusion of the Jews, than to refuse the franchise to persons possessing only a certain property." Sir, the noble Lord the Member for Bath, in commenting on the improper phrases, "essentially Protestant cookery, and essentially Christian horsemanship" (expressions which had been employed by the right hon. T. B. Macaulay, in an argument on this subject some years since), said, there was no possibility of comparison between Christian government and Protestant cookery; and that to use such an expression was to confound the lower operations of the mind with the highest faculties of the soul. Now, I, for one, regret that the right hon. Gentleman referred to should have sanctioned such an association of terms. Christianity and Protestantism are sacred and synonymous terms in the vocabulary of the larger portion of the constituency of this country; but—though in terms and in a manner widely different—the right hon. Baronet has perpetrated a comparison in no respect less offensive to good sense. He has asserted that the rule, or law, by which a man possessed of 39*s*. per annum is excluded from the franchise, is the same in principle as that by which a man holding a certain religious belief is excluded from this House. What relation is there between the possession of a shilling more or less annually; between a qualification which I may have this year and may not have the next; which I can buy or can sell according as fortune or caprice, on my own part, may dictate; what relation, I ask, is there between this and my religious faith—between the perishable, insensate piece of dust, and my imperishable soul—between the coin which I may cast away, or of which I may be robbed, and that faith of heart and understanding which I dare not part with for a thousand worlds, and of which neither man nor demon can dispossess me? Surely principles and things were never more unhappily confounded than the qualification of property with that of creed. But besides this, I maintain that the right hon. Baronet's position on this point is altogether untenable. It is alleged that the law does not place all the people of this country on an equality, because it requires a certain pecuniary qualification. Whatever may be said in favour of or against the principle of such a test or fitness for a certain duty, the argument sought to be derived from it in this case is inapposite, because the law which disqualifies is impartial as respects religious faith—the Protestant, the Roman Catholic, the Episcopalian, the Presbyterian, and the Jew are all similarly treated: if an unwise or impolitic law, it is at least impartial, for it affects men of every class and of every creed. In the case now before us, the ground of objection is not pecuniary, it is solely religious. It is a partial law, and I think, therefore, an infringement of Christ's law. Sir, I said that it could not be expected that this question could be discussed without reference to the Bible; but I certainly must admit that I was surprised to hear so little Bible argument from the opponents of this measure. Scripture was quoted — well and pertinently quoted—but it was by the supporters of this Christian proposition. Reference, most ample, was made to Christianity, to our Christian constitution, and to Church and State; but that is not satisfactory to me. When a man is told that he is about to commit a violation of the law of his country, or of some part of a statute, he says point out to me the law which I am likely to violate; refer me to the particular clause of the Act which I am likely to infringe; he will not be convinced with generalties. We have heard much of religion and of Christianity, but not one text which strikes the mind, or touches the heart, in vindication of the opposition to the Bill. Conservatism, pure unmitigated Conservatism, appears to me to be the shield under which the right hon. Baronet the Member for Oxford shelters himself in this discussion. If the 39*s*. freeholder, or the copyholder, or the Jew, should ask an explanation of the principle of all this, he would reply in the words published in his corrected speech—"Power is no man's right: it is distributed by the State to each in conventional proportions, according to the discretion of some original supreme authority." Now, I want much to know what this original supreme authority is, the discretion of which is the guide to the State in the distribution of these conventional proportions of power. If this authority be that of God, recorded in His revelation to man, I ought to bow at once to its commands; but I should be glad to have the passage pointed out which is thus to guide or restrain me. I confess I know of none in the whole compass of sacred writ. I am inclined to think that the right hon. Baronet, when he talks of the State distributing power according to some original supreme authority, means simply that the supreme power of the State requires certain qualifications for certain duties; for he says, a little further on, that—

> "The presence of such and such qualifications is the evidence of the constitutional ability which the original supreme power of the State has required for the discharge of specific functions."

So then, a little of the mysterious garniture of this particular authority is swept away, and we have the State acting, not as the agent of some original supreme power, but as the supreme power itself. Now, what is the original of this authority? Is it something that existed before the time of Alfred, or since?—before the time of the Norman Conquest, or since?—before the time of Magna Charta, or since?—before the Reformation, or since? Or is it that original supreme authority which, some fifteen years ago, underwent a metamorphosis, and appeared again, as another original supreme authority, with a name which, among plain speakers, is called the Reformed Parliament—which supreme authority has already been pleased to distribute power both at home and in the colonies of this country, according to its discretion in conventional proportions, and will continue in the further exercise of its discretion so to do. I confess I am ignorant of any other supreme authority, original or otherwise, existent or constitutional, in this realm; and in this view I am in strict accordance with the clear-headed Paley, who thus wrote respecting the term "constitution:"—

> "Some writers absurdly confound what is constitutional with what is expedient; pronouncing, forthwith, a measure to be unconstitutional, which they adjudge to be detrimental; others ascribe a mysterious sanctity to the constitution, as if it were founded in some higher original than that which gives force and obligation to the ordinary laws of the realm. An Act of Parliament can never be unconstitutional in the strict and proper acceptation of the term."

When the right hon. Baronet declares that the negation of power is punishment, he surely assumes that the line of exclusion has been laid down with the utmost propriety of which human wisdom is capable. The negation of power is or is not punishment, according as it is regulated by right rules. What would the hon. Baronet say, if he were to be precluded from a seat in Parliament, because he is less disposed to change his opinions than other men; or what, if the whole order of Baronets should be declared ineligible to sit in the House of Commons, because they form a link between the peerage and the people? Does he not conceive that his or their exclusion from the privileges of sitting in this assembly, on such grounds, would be an arbitrary act, of which he and his brother Baronets might very justly complain? The right hon. Baronet says, that "the constitution of England no more punishes Jews than it punishes copyholders." I demur to his assertion. I say that the constitution of England (that is, the present law of England, as embodied in the closing words of the oath of abjuration) imposes an unfair impediment to the Jew; for the copyholder, though not qualified to vote in right of his property may sit in this House in respect of an income arising from his copyhold estates. But no extent of copyhold property will qualify a Jew. The hon. Baronet the Member for the University of Oxford says, that the Vakeel of the late Rajah of Sattara might as fitly take his place amongst us as the Jew. I demur to this proposition. I know not what the Vakeel believes—I know not what his notions of right and wrong may be. And this brings me to the view of the question propounded by the hon. Member for Buckinghamshire—namely, the question of religious truth. I know that the Jew believes the Pentateuch, and I know also that no code of human action is formed upon a more faultless basis than that of the Jew. On this point I beg to quote a few words from the writings of the Rev. Dr. Hamilton, of Leeds. He says—

> "Between us and the Jew there is much in agreement—our respective premises are the same. The only question between us is that proposed of old—'Art thou he that should come, or look we for another?' We both coincide in the matter and test of reference. The Pagan mind is, on the other hand, destitute of every conviction to which we can appeal. It is a chaos, without form and void."

The hon. Baronet says—

> "If the House be prepared to sanction this Bill, let the country know that we throw to the winds all the security which we possess for even the nominal profession of the Gospel amongst those to whom hereafter shall be entrusted the chief government of England."

And the noble Lord, the Member for Bath, referring to the circumstance of infidels having taken the oath as it now stands, inquires if "a nominal Christian be not better than an open professor of infidelity?" Sir, I fear the security which this oath can give to us for the maintenance of Christianity is in no respect to be relied upon. To bring before the House, in the most striking manner I am able, the fallacy of trusting to legislative provisions for the preservation of Christianity, and in particular to oaths of this nature, I will read some extracts, from trustworthy authors, in reference, in the first place, to Sweden, where all manner of legal provision is made for ensuring a profession of Christianity; and, in the second place, in regard to America, where no such tests and oaths are required. Hear what is recorded by the Rev. G. Scott, who resided twelve years in Sweden. He writes—

"The creed of the Swedish Church will be found to embrace the life-giving verities of the Gospel. Most rigidly has purity of doctrine been watched over by the authorities of that church. . . . Much more zeal has been ahown to preserve orthodox Lutheranism, than to make the truth of God plain and powerful to the minds and consciences of the people. The Church is Episcopal. All Swedes are and must continue members of the Swedish Church. No dissent from her communion is tolerated. If orthodoxy be vital religion—if uniformity be a church's unity —then the Swedish Church furnishes an almost unequalled example of unity. If comprehensiveness to the embracing of a whole population, and the effectual prevention of separate demominations, be the best condition of a church . . . . we may look for a flourishing state of things in Sweden. If large authority given to the clergy, and efficiently sustained by the secular arm—if outward sacraments and observance—if legislative enactments, vigilantly watched over, can make men Christians, then the Swedes are all Christians. But 'by their fruits ye shall know them.' No difficulty is found in getting any kind of work done on the Sunday; on that day, indeed, at certain periods of the year, to work is the rule, to rest from secular labour the exception. Merchants claim the Sabbath as a convenient day for correspondence, taking stock, &c. . . the theatres, concert and ball rooms, with every kind of sensual pastime, present their allurements, and are largely resorted to by all classes—ministers, even, feeling no hesitation in changing the pulpit of the forenoon for the opera-box of the evening. If we enter the field of morals, we cannot speak fully of what we find there; but let one fact suffice. In 1840, the official return of births, in Stockholm, gave one illegitimate child to every one and a half legitimate, and this in a capital where nothing appears on the surface of society to give the slightest intimation of such a fearful state."

Mr. Laing, in his *Tour in Sweden*, published in 1839, also states—

"Whatever want of morals, there is no blackguardism in Sweden. You may travel through the country and think it the most virtuous in Europe. It is only when you examine the official records of crime that you are obliged to adopt another conclusion. In Stockholm, I never see an immodest or even a suspicious look or gesture amongst even the lowest of the people. The propriety of their dress and demeanour might indicate a race of Vestals, and yet one-third of the infants are bastards."

He adds—

"I do not like this, either in a people or an individual. If we compare their tables of crime with those of London, we find, that in the year 1834, in London, one in every 540 persons was committed for some criminal offence; but that in towns of Sweden, one in every forty-six was convicted—that in England and Wales, one in 1,005 was convicted of crime; whilst in all Sweden, one in 134 was convicted; and, in Ireland, one in 557 was convicted. In Sweden, the Church is a component part of the State, equal in its constitutional share in the legislature to the whole body of the aristocracy, or of the representatives of the people. It has but one religion to deal with in the nation. Notwithstanding, no other three millions of moral beings in Europe appear to commit within a given time so large an amount of crime."

The author maintains also that Swedes are more generally educated than any other nation in Europe, except the Danish; and that, comparing England or Scotland with Sweden, the poverty of Sweden would be luxury in England. Now let us turn to the statements of the Rev. Dr. Baird relative to the constitution, and the religious and moral condition, of the United States of America. He says—

"Because no mention of the Supreme Being, or of the Christian religion, is te be found in the constitution of the United States, some have pronounced it infidel, others atheistical; but that neither is correct will appear from a moment's consideration of the case. Most certainly, the convention which framed the constitution in 1787, under the Presidency of the immortal Washington, was of neither an infidel nor atheistical character; all the leading men in it were believers in Christianity—Washington was a Christian. Even Franklin proposed, at a time of great difficulty in their proceedings, that a minister of the gospel should be invited to open their proceedings with prayer. In 1812, a day was set apart by Congress for fasting and prayer; at the Peace, a day of thanksgiving was appointed: on the death of General Harrison, the President, Tyler, called upon the people to observe a day of fasting, &c., in a becoming manner. That day was marked by the solemnity of the Sabbath. Moreover, the Congress appoints two chaplains, one for the Senate, the other for the House of Representatives, to open the sittings of these bodies every day with prayer, and who preach every Sabbath alternately, to the Houses, convened in the Hall of Representatives, at twelve o'clock. One of the chaplains is generally selected from the Orthodox Presbyterian Church, the other from the Episcopal Methodist Body."

He proceeds—

> "The State Governments now extend political rights to citizens of all shades of religious opinion. Rights of conscience are religious rights. What rights of conscience can atheism and irreligion pretend to? A person was indicted at New York, in 1811, for aspersing the character of Jesus Christ, and denying the legitimacy of his birth—he was tried, convicted, fined, and imprisoned. On that trial, Chief Justice Kent—a great legal authority—said, 'The people of this State profess the general doctrines of Christianity, and to scandalise the author of these doctrines is not only, in a religious point of view, extremely impious, but, even in respect to the obligations due to society, is a gross violation of decency and good order. Nothing could be more offensive to the virtuous part of the community, or more injurious to the tender morals of the young, than to declare such profanity lawful. True,' he adds, 'the constitution has discarded religious establishments; but it does not forbid judicial cognisance of those offences against religion and morality which have no reference to any such establishment, or to any particular form of government, but are punishable because they strike at the root of moral obligation, and weaken the security of the social ties. To construe it as breaking down the common-law barriers against licentious, wanton, and impious attacks upon Christianity itself, would be an enormous perversion of its meaning.'"

Allow me, on this point, to add, that the Americans subscribe yearly for the support of foreign missions 572,000 dollars, and raise annually for the payment of ministers at home 4,480,000 dollars, besides subscribing 1,500,000 dollars every year for erecting new churches. As regards criminal statistics, I have not the means of giving much information; but in the State of Pennsylvania, consisting of a population of one million, only one person in every 3,600 of the population, whether tried or untried, was found within the gaols of that State, in July, 1826. Sir, it will be evident from the accounts thus furnished of the state of morals and religion in Sweden, as compared with the United States, that the profession of Christianity, by statutory regulations, is anything but a guarantee for the exercise of Christian virtue. The hon. Baronet objects to this measure on the ground that the Jews "never can be English"—that they are "a separate nation." He quoted from the writings of Rabbi Crool to confirm this position, who told an "ambitious office-seeking Jew" that "though born in England he was no more than a foreigner—that he had no home in this land nor in any other country." Sir, I attribute all that is peculiar to the Jews in reference to their ideas of nationality to religious faith—they raise no voice, they lift no hand, they stir not a foot to establish this expected kingdom—they are passive in relation to it; passive, at least, as regards any external acts for accelerating its approach—they expect their Messiah, though he tarry long. I see nothing in this inconsistent with their allegiance to the constitution of this realm. Does not the right hon. Baronet believe in the universal kingdom of Christ? Does he not believe His authority to be paramount to all other? and are not His disciples a "holy nation," a "peculiar people?" But does the right hon. Baronet consider such an objection would be applicable to himself, and that it ought to preclude him from exercising his rights as a citizen, either here or in any other country? Surely not. It is asserted by the right hon. Baronet the Member for Oxford, and also by the noble Lord the Member for Bath, that the measure, if sanctioned, would amount to a public declaration of the utter uselessness of Christianity for the government of public affairs. I take a widely different view of the case. I think the passing of the Bill would prove that we were influenced by a genuinely Christian feeling—in accordance with, and not in opposition to Gospel teaching. But if the noble Lord conceives that the passing of this Bill will warrant such a conclusion, I ask him how he reconciles that conclusion with the delaration which he himself distinctly made, that, "no doubt those oaths were not framed for excluding Jews, and that if the Jews were in this House at present, he would never have proposed a measure to turn them out." What! is Conservatism more sacred than Christianity? If to propose to admit the Jews into Parliament be to repudiate the claims of Christianity—if it be a declaration that Christianity is utterly useless in the government of public affairs—surely, the fact of Jews having long enjoyed seats in Parliament would not justify the noble Lord, as a Christian, in allowing "a principle, which, from his very soul, he repudiates," to remain in all its enormity as part and parcel of the constitution of England. Judaism may be passive, but Christianity is aggressive; and there is no flaw in our legislation which the Christian ought not to seek to obliterate. Did the noble Lord sit down content to allow the labours of the youthful and female portion of our factory operatives to go on without interference, because a practice had been established? Did the voice of humanity stimulate his efforts to abolish that part of the constitutional law of England—as it might then have been termed? Why, then, or upon what plea, would he have suffered what he considers would be a national repudiation of Christianity, to deface the fair fabric of the British constitution? The noble Lord the Member for Bath has attempted to prove that the exclusion of the Jews does not savour of persecution, because the opposition to their claims rests not upon any personal objection entertained towards them, but on account of a principle from which he cannot depart. Has the noble Lord maturely considered this proposition? Sir, persecution, from the day when Saul persecuted the early Christians until the present time, has, for the most part, originated in "principle" —or in what has been dignified with that name—in other terms, in misguided zeal; and with no reference to personal objection, but oftentimes with an anxious desire to save the soul by the torture of the body. One comment more on the objections of the noble Lord, and I have done. He says, "Show me the injustice of the case, and I shall be satisfied with the measure;" or words to that effect. Now, I beg the attention of the House to the following passage from Archdeacon Paley:—

> "We affirm that, as to the extent of our civil rights and obligations, Christianity hath left us where she found us; that she neither altered nor ascertained it: that the New Testament contains not one passage which, fairly interpreted, affords either argument or objection applicable to any conclusions upon the subject that are deduced from the law and religion of nature."

Now, if Paley be right—and, doubtless, few men had higher pretensions to speak of the bearing of the gospel on the subject of civil government—whence the authority of the law which excludes the Jews from the rights of men? If not sanctioned by Christianity, and I believe it is not, then I tell the opponents of this Bill that they are parties to a prolongation of unjust legislation, and that they are bound to prove that their act of exclusion is in accordance with the fundamental principle of equity. If we consider the subject practically in relation to the scope and object of legislation, we must all acknowledge that there is a point beyond which legislation is powerless — it may restrain or punish the outward act, but it cannot touch the heart or renew the man. What more can you enforce than the Decalogue, which comprehends the whole range of moral action? Do not the Jews acknowledge the authority of that code of Divine law? Bishop Warburton laid down the proposition—

> "That civil laws can have no further efficacy than to restrain men from transgression, and that the influence of civil laws cannot, in all cases, be extended even to restraining open transgression."

If, then, the civil law be thus limited in its potency, how shall you make it embrace that which is spiritual and internal? Before I conclude, I have to notice one important point in which I am anxious to be understood. I am speaking here as a legislator; in this capacity I am, I conceive, required by the immutable principles of justice—in other words, by the Gospel—to grant the Jews the rights of citizenship. But do not conclude from this, that I deem it of minor moment of what creed a man really is. I believe it to be of vast importance that the electors of this empire should exercise a careful and conscientious choice in the selection of representatives; and though I feel bound to vote for the removal of the civil disabilities of the Jews, it by no means follows that I would give my suffrage to a Hebrew candidate. As an elector, I have a right of choice which, as a senator, I have not. My wish would be to see men in this House of like religious faith with myself; but my wish must yield to the demands of justice, and my reasoning as to possible disadvantages must give way before an authority which I dare not question. "Duty is our's; events are God's." The hon. and learned Member for Midhurst said, that when he first heard of the election of Baron Rothschild for London, he felt a glow of satisfaction. How different the hon. Member's subsequent course in this question to mine! When I heard of this election, I doubted the propriety of admitting a Jew into Parliament; and if I had acted as the hon. and learned Gentleman, my opinions would have undergone no change. His first impression in favour of the admission of Rothschild to this House shows, that early education had not warped his judgment on this question, and the flame of benevolence which was enkindled in his heart at that announcement was a holy flame; but he went for information up the stream of history, and, strange to say, was content to commence his investigation on this great religious and civil question, under the banner of the Norman Conqueror; and, as he sought for illumination in that unpropitious age, the shades of evening gathered around him, and the drear tones of the curfew filled the rising blast, and anon that holy flame with which he had commenced his inquiry was extinguished; and then, instead of ascending the track of Christianity to the dayspring of truth, and the teaching of Jesus and his apostles, he was fain to seek wisdom at the feet of Coke and of Hardwicke—men eminent in their calling, doubtless, but yet not men who wrote and "spoke as they were moved by the Holy Ghost." For me, less learned than the hon. Member, I sought guidance from that Volume which upon every point of duty, is so simple, that "the wayfaring man need not err therein." Go not, then, I entreat you, to the writings of fallible men, to learn the distinctions between right and wrong on this serious subject; he who would analyse the waters of some far-famed fountain, would not go to a point far removed from its source—he would, in that case, meet with somewhat foreign, somewhat impure—he would go rather to the fountain-head itself, and there, at the life-giving spring, his investigation would be satisfactory — his analysis complete. Yes, in the great Charter of the universal family of man, of the Jew as well as of the Gentile—of the bond as well as of the free—you will find—unencumbered with perplexing provisoes and intricate limitations and exceptions—the true, distinct, infallible rule of action, to which you, as legislators, are bound to conform — "As ye would that men should do unto you, do ye even so unto them."

Mr. CORNEWALL LEWIS reminded the House that, although many extraneous circumstances had been introduced into the discussion, the real question before the House was, whether or not Jews ought to be admitted to seats in Parliament, and to the enjoyment of some other privileges of an analogous kind? Appeals had been made to the noble Lord at the head of the Government, as to whether he would give his sanction to a Bill which would afford facilities for Deists to take the oaths and seats in this House. Now that was a question which they were not called upon to consider. It was a speculative question — one on which various opinions might be entertained — but on which they were not now called upon to vote. Another question raised was, whether the Mahomedan and Hindû natives of our colonies ought to be admitted to the privileges now sought to be conferred on the Jews. But with respect to this point, he had only to repeat again that it also involved a theoretical question not now before the House. By the law as it at present stood, no person not a natural subject of Great Britain was entitled to become a Member of this House. To the admission of the Jews, however, the principal objections resolved themselves under two general heads. The first class were founded on the supposition that the class of individuals in question were aliens; and the second, upon the fact that they did not profess the Christian religion. Now, as regarded the argument of Jews being aliens, that consideration was not much insisted upon, and with good reason, inasmuch as it was undeniably true in law that the Jew, being born within the United Kingdom, was a natural-born subject of the Queen, and as such entitled to all the privileges, and bound to perform all the duties, accruing to and devolving upon a person so situated. Indeed the only ground which could be alleged by those who objected to the admission of Jews on the score of their being aliens, arose from the peculiarity of the Jewish religion. It was true that no person not born of Jewish parents could belong to the Jewish religion. The Jews were essentially an unproselytising sect, and consequently no person not born of the race and of the creed could belong to either. Upon these grounds it was contended that they formed a separate nation, and that they were aliens in the country which they inhabited. But the truth was, that they merely formed a separate race. They did not intermarry with the native inhabitants; they formed a species of hereditary sect; but it was not true, for all that, that the Jews were aliens. In comparing the circumstances attending the admission to Parliament of Jews with those which existed to the admission of other bodies of religionists to whom objections had been made, it must be admitted that the dangers which had presented themselves on those former occasions existed only in a very diminished degree now. The Jews were comparatively a very small body. There were none in Scotland or Ireland, very few in the rural districts of England, and the whole number did not amount to more than twenty thousand, the vast majority of whom were the inhabitants of the metropolis and a few large towns; but the House was told that the admission of Members chosen even from that small body would unchristianise the Legislature. Let it be remembered, however, that this

Bill did not nominate or actually introduce Jews to seats in Parliament. It only threw open the doors to them after they had been chosen as representatives by majorities of their fellow-citizens. But there was not a single constituency through the country, of which the vast majority was not composed of Christians; and if the danger anticipated from this measure should be real, it would be easy for the constituencies to reject all Jews in future. It would, however, be quite impossible to stamp the legislation of the House with an unchristian character by the admission of a few Jews to sit among them. These prejudices would soon die away. It was but little more than a century ago when the civilians warmly disputed on the question whether or not it were lawful for a Christian country to make treaties with a heathen nation, although no doubt was now entertained as to the principle or practice; and few persons were probably aware that objections had ever been made to either. He trusted the House would approve of this measure, and by their vote finally decide the question in favour of the admission of Jews to Parliament. It was in accordance with the general progress of opinion and legislation, and with the practice of the most civilised nations, while it did not militate against religion or morality.

Mr. CAMPBELL considered himself called upon to explain the grounds on which he should oppose the third reading of this Bill, in opposition to a Ministry whose measures generally commanded his support, and the support of all the liberal party. He had, it was true, voted for its going into Committee, and he did so because he thought the circumstances which occurred at the late general election made it expedient that such a measure should be submitted to the House. The Bill was founded principally on four grounds: first, that taxation and a right to sit in Parliament were correlative terms; that Jews bore their portion of the burdens of the State, and therefore ought, as an equivalent, to enjoy all the privileges that the State could confer upon them; secondly, it was argued that the relaxations which had already been made under the present constitution of the Legislature were such as to render of no value the exclusion of any class of religionists; a third argument was, that as the Jews had been admitted to all civil offices this measure was a logical and necessary sequence of that Act of the Legislature; and the last argument was the one urged by the hon. Member for Oldham, to the effect that the question involved in the Bill was one not so much concerning religion, as the rights of the constituencies to choose for their representatives such persons as they might think proper. These, he believed, were the four most important arguments on which the advocacy of the Bill rested. As to the last argument, it implied that the constituencies chose their representatives simply to do business for themselves, and not for the country; but if the State assigned to separate constituencies the duty of acting in such a manner as should in the result affect the formation of a representative assembly, it followed that the Legislature was entitled to impose on the constituencies, in the discharge of that duty, whatever limitations the public interests might require. In connexion with this view, he begged to advert to an argument which had fallen from the hon. Gentleman (Mr. Lewis). That hon. Gentleman had dwelt with much emphasis on the fact that there was hardly a town or county in which the vast majority of the electoral body were not professed Christians. He could not doubt the authority of the hon. Gentleman upon such a point, but he drew an opposite conclusion from the fact. If there was not one constituency in the country in which Christians did not greatly preponderate, surely no great hardship or grievance could arise from the existence of a law which prevented Jews from obtaining a seat in Parliament. Had the case been otherwise, it might have been argued that it was unfair to exclude large bodies of persons from the privilege of having their faith as well as their politics represented in Parliament. With regard to the three other arguments on which the Bill was grounded, he would content himself with stating generally his objections to them. They appeared to be all founded upon the abstract right of the Jews to be put upon the same level with other religionists. But if it could be proved that the admission of that abstract right would require the sacrifice of any one principle which it was the interest and the duty of the Legislature to preserve, then he considered the claim of any such right could no longer be sustained. Now, the principle which he thought would be surrendered by the adoption of the present measure was this—that whereas public virtue and disinterestedness were necessary qualities to the discharge of any service to the State, Christianity was the only source of that public virtue which the State so required. This principle being admitted, it followed that any measure which dispensed with the guarantee of Christianity must be hostile to it. The relaxations which had already been made did not encroach upon this principle. It was not essential to the public virtue which the State required that the Members of the Legislature should be Episcopalians; hence the admission of Dissenters was the first relaxation. The next was the admission of Unitarians; and although that became a somewhat more difficult question, still the task of distinguishing between Dissenters and Unitarians was one much too arduous for any Legislature to attempt. The next relaxation was one of a far more important and interesting nature, namely, the admission of Roman Catholics into the Legislature. But the arguments on which that measure was founded were altogether different from those urged in support of the present measure. In that case the Legislature had to choose between the ruin of the British empire and the admission of Boman Catholics into that assembly. But none of these relaxations affected the principles which were involved in the present Bill. He thanked the House for having permitted him to state the reasons which induced him to oppose the third reading of the Bill.

Mr. SCOTT said, there was a wide distinction between the admission of persons of different religious sects of Christians into a Christian Parliament, and the admission of Jews; because the former were Christians, while the latter were not. He admitted that the fact of the Jews not pressing their claims to admission into Parliament in a clamorous manner, was a strong ground for their favourable consideration; but the obstacles opposed to them he conceived to be of an insurmountable nature. Those who legislated for a Christian country should themselves be Christians. It might be proper for a Jew to vote for a Christian representative, but it was not the same thing for a Christian to vote for a Jewish representative. The arguments now used by the supporters of that measure were quite different from those which the same parties had formerly put forth on the same subject; and as he saw no reason to change the opinions which he had always entertained, he could not agree with them in the alteration of sentiments which they professed. The exclusion of the Jews was not intended to be as a penalty upon them. It was the oath prescribed to be taken by Members of that House, in which the words, "on the true faith of a Christian," were introduced, that prevented their admission; and Rapin told them, in his *History of England,* that that oath had been carefully and advisedly framed by King James, so as not to be offensive to Roman Catholics. He believed there were many excellent men amongst the members of the Jewish persuasion; but as he did not think they ought to be made Members of a Christian Legislature, he should vote against the third reading of the Bill.

Mr. RAPHAEL hoped, as he had given a silent vote on former stages of the Bill, he might be allowed briefly to state the reasons why he opposed it, on the present occasion as well as on every former stage. Although he had the honour some years ago of having had a seat in that House, yet the time of its duration was so brief that he might almost claim the indulgence of a new Member when he then addressed them. In 1836 a Liberal Government was in office, and he had given them all the support he could when their measures did not limit the liberties of Englishmen, or touch the pockets of his constituency; and he was, therefore, now the more anxious to explain why he could not vote for them. Though the advocates of the proposed measure might have delivered speeches of which neither Demosthenes nor Cicero need be ashamed, still he confessed they had not removed his objections to the present Bill. As Christians they all hoped to be saved by the merits of their blessed Redeemer, yet the Jews called him a blasphemer and an impostor. The right hon. Baronet the Member for Tamworth, on the second reading of the Bill, had spoken to the following effect. He had not written down the words at the time, but had taken them from the reports of the speech. The right hon. Baronet, had said—

> "If the Jews committed an unexpiable crime some few thousand years ago, he had not the awful power given to him to punish the sins of the father upon the children to the third or the fourth generation, much less for two or three thousand years, for 'vengeance is mine, saith the Lord.'"

Now, with regard to the time, it was but 1848 years last Good Friday that the crime alluded to was committed, instead of some thousands of years; and it would be seen by reference to the Gospel of St. Matthew that when Pilate said to the Jews he was "innocent of the blood of this man," the Jewish people had replied to him, "His blood be upon us and upon our children." If the Jews were not sincere in their opinions, they might easily take the oaths proposed; if they were sincere, as he believed to be the case, they should remain in the position in which they were (as they had anathematised themselves) until it should please God to remove the veil from their eyes. This, he trusted, was an event which was not far distant; but though he might not hope to witness such an event, many of those whom he saw around him would live to see it. An allusion had been made by the hon. Baronet the Member for Oxford to a certain brochure, in which a dialogue was kept up to this effect: "Did not every Protestant consider the Catholic as an idolater, and every Catholic consider the Protestant a heretic; and both those sects consider the Unitarian as beyond the pale of Christianity?" Now, into the last question, not being a theologian, he would not enter; but with respect to the two former, he would answer that neither the enlightened Protestant nor Catholic, in the nineteenth century, entertained the opinions attributed to them. For his part he did not believe any such thing. There was another argument against the proposed Bill, which he feared he might only weaken by adverting to, it had already been so ably enforced by other hon. Members in the course of the discussions upon the question. It was said that it was a great pity they could not all join in those admirable prayers repeated with so much devotion by their excellent chaplain, particularly the Lord's Prayer. If the principle of the present Bill was to prevail, they would have to alter the tenor of those prayers, and select some generally from the decalogue. For his part he felt no reluctance to attend prayers in that House. He was by the grace of God a Catholic; but he had constantly throughout the Session been at their prayers, and he should continue to assist at them until he should be admonished by him to whom he owed spiritual obedience. If he should receive such an admonition he would take an early opportunity of acknowledging his transgression in a full House, and by that means removing the scandal he had given to his brethren of the Catholic faith. He wished that the House might yet reject that measure; and if they should not, he hoped that it would be defeated in the House of Lords by a large and triumphant majority.

Mr. BROTHERTON said, that not having taken part in any previous debate on this question, he wished to say a few words on the third reading of this Bill, as he hoped that an opportunity would never again be given for discussing the subject in that House. He supported this measure as an act of national justice, and because he believed the people of England were generally in favour of it. ["No, no!"] Why, there had been 300,000 petitioners in favour of the Bill, and not a fifth part of that number against it. He did not think that the measure would be injurious to the Established Church. The Jews as British subjects had a right to equality of civil privileges. To refuse them those rights was persecution. The hon. Gentleman who had just sat down, being a Roman Catholic, was not entitled twenty years ago to a seat in that House; and now he testified his gratitude for the privilege conferred upon him, by using his power in order to exclude from the House a portion of his fellow-subjects. The hon. Gentleman had referred to a Book which was regarded as an authority on religious subjects, and alluded to the imprecation of the Jews, when they exclaimed, "His blood be on us and on our children;" but that Book declared that "the son should not be put to death for the sin of the father, nor the father be put to death for the sin of the child." A great deal had been said in the course of the debate about Christianity; but he would ask what was Christianity? Was it a mere name? Was it a law, or a living principle superior to all written laws? If it was merely a name, then a man with no religion whatever might take his seat in that House, because he would not object to take any oath; therefore, in that view, an oath would be no protection whatever. Then if Christianity was a law, where did they look for that law? In the New Testament: and there they found it laid down as the law of Christianity, that they should love their neighbour as themselves. But what was meant by loving our neighbour as ourselves? It was having a respect for the rights of every human being. By respecting the civil rights of others, we were not identified with their opinions, but we acknowledged their right to hold their religious opinions without being accountable to man. If Christianity was a life or a living principle, the spirit of true religion was the same in all ages, and under whatever form we might worship. The Church was an organisation for effecting much good. Nothing was more abhorrent to his (Mr. Brotherton's) feelings and sentiments, than to contemplate the various denominations of Christians as antagonists. He believed that God looked with a different eye upon the various sects, from what they looked upon each other. Their offerings might be as various as the fruits of the earth; but he believed that the grateful tribute of each would be accepted. With regard to the Jews, they would be converted to Christianity whenever they could be convinced that the Christ of the Christians was the same as their Jehovah. The Jews believed in the revealed word of God, in the immortality of the soul, and in future rewards and punishments. They were strict in the observance of their Sabbath, and were generally exemplary in their lives. He had the honour to be acquainted with several Jews, and he believed them to be as loyal, as charitable, and as useful members of the community as any in Her Majesty's dominions. He considered that they were entitled to all privileges enjoyed by the rest of their fellow-subjects, and therefore he should give his cordial support to the third reading of this Bill.

Mr. ROBINSON supported the Bill. If he thought that the admission of Jews would be contrary to the injunctions of Scripture, or that it would in the slightest degree affect or endanger the security of the Established Church, he would be far from entertaining an opinion favourable to it; but he did not believe it would have any such consequences. It was natural that on the questions of the repeal of the Test Act and Roman Catholic Emancipation, objections should be made on these changes being adverse to the interests of the Established Church; but the Jew waited for the coming of his Messiah, and could have no motive of hostility to the Established Church. Enjoying all the advantages which this Protestant country offered to its citizens, there was every reason to expect that the Jew would be, as far as the Established Church was concerned, strictly conservative. The conduct of the Jews in the discharge of the municipal offices which they had been permitted by law to fill of late years, was an additional argument in their favour. He might point to the acts of munificence for which many well-known members of that religious persuasion were distinguished, as that of Sir Moses Montefiore, who, on learning that a deficiency existed in the funds required for the erection of a church in the county of Hants, immediately went to a noble Duke, and tendered a considerable sum of money for its completion. In like manner, Sir Isaac Goldsmid spontaneously offered to the inhabitants of Brighton a large piece of ground in that town belonging to him for the purpose of building a church. Mr. Salomons, when a candidate for a seat in that House, publicly declared in his addresses to the constituency of the Rape of Bramber, that he was friendly to the Established Church. These instances, and the uniform conduct observed with reference to the discharge of civic duties by our Jewish fellow-subjects, convinced him that the allegations of danger on this head were visionary.

Mr. NAPIER: Mr. Speaker, before I had the honour to take my seat in this House, the Bill now before us was read a second time. I wish, therefore, in simplicity, to state the reasons which induce me to vote against this Bill. In doing so I would premise that I presume not to question the personal religion of any one of its supporters: they are bound and are entitled to form and express their deliberate opinion, and I only claim the right for myself which I concede to them. I only ask what I am always ready to give —a fair and candid consideration to the arguments on both sides. The question involves a principle rather of national acknowledgment than individual conviction; but I feel myself at liberty to argue on the assumption, that, as we are all professing Christians, we individually recognise what our law and constitution as yet maintain—that Christianity is the true religion. That national acknowledgment ceases when this Bill becomes law. No man can afterwards in this House assume Christianity to be true. The progress of toleration melted away the civil distinction between different classes of professing Christians. We would not rend the garment. Are we now to cast lots for it? The importance of our national Christianity cannot be overstated. God deals with nations differently from the case of individuals. Their equities may be adjusted when nations must have ceased to exist; and therefore the dealings with nations are temporal, and for outward acts. The dealings with a nation exhibit the principles of God's moral government, So it was in the history of the Jewish people. To acknowledge him, to guard his oracles, to obey his commandments, insured his favour; the opposite course incurred his censure. The famine, the pestilence, and the sword, inflicted national judgments; and at last the rejection of Christ as the Messiah smashed and shivered into fragments that mighty and majestic people, exhibiting in their desolation the appalling evidence of the truth they repudiated. England has ever admitted the principle of national religion. The nation has knelt as one man to supplicate for mercy and to offer thanksgiving. The Government of the noble Lord, and I honour him for it, in a true spirit has sanctioned both. If, then, the dealing with a nation is to exhibit the course of God's moral government, and if that affixes approval or censure, blessing or judgment, according to the external act, publicly and openly manifested—and if there be reality and consistency in the Divine government of the world—I would ask, in unaffected simplicity, can we, as a people, renounce Christianity as the basis of our law and legislation, without exposing ourselves as a people to the Divine displeasure? Pass this Bill, and the Deist and the Infidel may consistently demand admittance to the councils of a nation, having all its laws and institutions previously founded and administered on the principles of comprehensive Christianity. I am not arguing against enlightened toleration. Where the Gospel of our Saviour is admitted to be the common standard of doctrine, or the common rule of morals, we can afford to be very tolerant. The duties of life require it, and the free action of the mind and heart seems to justify it. The colours in the ray are lost in that intimate coalescence which gives light and heat to the world, when all diverge from the one heavenly source and centre. The distinctions of Christians may be blended, but not confounded, in the practical charities of a life of duty. But in accommodating our constitution to him who regards our Lord as an impostor, and Christianity as untrue, the very principle of our constitutional toleration is sacrificed; confusion expels consistency, and the nation ceases to honour Him who is the King of kings. As to the Jews themselves, how will this operate? I rejoice to think that the rejection of this Bill could not, in any respect, help forward that affliction which, in the wisdom of God, they have so long experienced as a people. I regard them with an interest I could not here express—the hermit people, destined for a glory emphatically theirs, in their own loved Jerusalem. They dwell amongst the Gentile nations; they mingle not with any; their hopes cannot centre in a Gentile land; the true functions of our legislation are incompatible with their national expectations. In every country still they are one peculiar people—strangers and sojourners—looking to regain their own land—theirs, not by stratagem or treaty, but by divine donation. A Jew could not be a citizen of England, pledged to sustain its interests as paramount, without forfeiting the noblest expectations of restored nationality. He may hate you for your creed; he must despise you if he doubts your sincerity. What may be the influence on the Jewish mind to see the great Sanhedrim of the great Christian nation, making no account of the denial of their Messiah, and treating unbelief as a matter indifferent, may not be difficult to conjecture, though impossible to predict. I would ask you to pause before you so peril the constitution, and provoke the jealousy of Him whose providence has been now so signally manifested in mercy to our favoured land. There is enough to require the faithful efforts of our common Christianity in plain and honest usefulness amongst our own people. The feeling I cherish towards the Jew is fraught with emotions too profound and solemn for the excitement of debate, and deeper still the jealous affection for the true faith of a Christian. Of that faith I desire not to be ostentatious, but I would not dare to be ashamed. I know not whether I ought to have said so much on this deeply important question. The powerful and eloquent speech of the hon. and learned Member for Midhurst might have almost excused my silence, for I could not hope to persuade if he has not convinced. But regarding the question as one of great individual responsibility in supporting or opposing the measure, I trust I have not transgressed the fair limits of debate in the observations I have now, with sincere deference, submitted to the better judgment of the House.

Mr. ROUNDELL PALMER said, he had already, on two occasions, supported the measure by his vote, and being prepared again that night to record his vote in its favour, he was glad to take the opportunity of stating the grounds on which he was satisfied that he had come to a right conclusion on political, and much more on

Christian principle. From the time he had formed that conclusion, he had not heard any argument or statement which had the least tendency to shake the conviction of his own mind that he had come to a right, just, and sound conclusion. It appeared to him that the Jews, if they ought to be excluded from seats in that House, or from other civil franchises, must be so on one or other of two grounds, either of which, he distinctly admitted, was sufficient to justify their exclusion. Those grounds were, either that it was for the advantage of the people of the country for whom Parliament governed, or that it was a religious duty imposed on them by their religious belief. Of this he felt most confident, that they had no right, living under a free popular Government, to say to any men, "You shall be excluded because you are excluded." They could not so legislate—they did not so legislate. There were exclusions from this and other franchises known to the country. They rested not on the basis of arbitrary power, but on the ground of policy. He wished to dispose of secondary considerations before coming to those which were of primary importance, and so had adverted to the argument drawn from the existence of other exclusions. There was the exclusion from the elective franchise of all persons whose rent did not amount to 10*l.* Those who had not a certain amount of property were excluded from that House. When such exclusions came to be discussed, no one could defend them unless on the ground that they were necessary or convenient for the great purposes of government; and so with respect to the exclusion of the clergy or Judges from seats in that House. In those cases the exclusion, it was perfectly clear, rested on a principle which had no application whatever to the case of the Jews. The clergy and the Judges had certain important functions to perform for the people, with which functions political intervention, in the eyes of those for whose benefit such functions were to be exercised, would interfere. All those cases must be defended on their own grounds; and he granted, that if any reason arising out of public advantage could be shown to be applicable to the case of the Jews, the question must fall to be dealt with similarly. But let not these cases be referred to for a purpose where they had no application. There was the case of naturalised aliens. Some hon. Gentlemen had stated, that naturalised aliens were on the footing on which Jews were placed. But what power or right of exclusion existed on the pretext that the Jews stood in the position of aliens? They had never done so; and there was a great difference between their position and that of naturalised aliens. The sons and descendants of naturalised persons were entitled to all the privileges of native-born subjects. But the disability of the Jew applied to the Jew, however remote the present descendant from the ancestor who had first come to this country. The disability of the alien was confined to the time during which he who was born abroad should reside here to be naturalised; but the moment he was naturalised his descendant was entitled to all the rights of British subjects. With reference to religion, this case of the Jew was the only case, whether right or wrong, in which any disability had been created upon that principle. The immediate proposition before the House was the repeal of what was the accidental effect of a clause introduced into the oath taken by Members of that House, which clause made the oath be taken "on the true faith of a Christian." The words, he granted, had not found their way there without indicating a principle. The object of the oath was to exclude those persons from Parliament who were in favour of the Pretender. But at that time there were disabilities which affected all those who were not of the Church of England. Such disabilities were brought to bear against the Roman Catholics—extensively against the Dissenters. That system had been abandoned. Ought an oath, then, which was introduced for a purpose entirely different, to have the effect of these annulled disabilities? Such disabilities might at that time be consistent with the spirit of the constitution; but they were not so now. If the Roman Catholic Emancipation Act—if the repeal of the Test and Corporation Acts were contrary to the true interests of the State, Parliament would be no longer bound to proceed in the same direction. But if that could not be made out, it was their duty to legislate on the subject in conformity with the principle and spirit of the existing constitution, and not in a manner opposed to that principle. There was a *primâ facie* case for the Jews in their present position. They were excluded on the ground of cases which had no analogy to theirs. The burden of proof, then, lay on those who opposed their admission. Among the political arguments which had been urged for the exclusion of the Jews, he should pass from the first, that they were aliens, to a second, that they had a certain nationality of their own, which rendered it impossible that they could adequately discharge their duties as subjects of this nation. Such an argument seemed to confound things essentially distinct. The Jews, indeed, had the idea of a state founded on a spiritual and ecclesiastical, rather than a temporal basis. If that peculiar feeling which induced union among themselves and foreign adherents of the same faith, had the least tendency to make them depart from the duties which they owed their country as citizens, there might be room for debate. It was not political unity, however, but religious, that the Jews sought. As well might the question have been raised with respect to the early Christians, whether they ought or ought not to have enjoyed civil rights in the Roman Government under which they lived. The Roman Catholics were a religious society strictly united within themselves, and not confined within one nation; and no question the Roman Catholic system had a political aspect which that of the Jews had not. Yet the existence of that union furnished no reason why Roman Catholics should be excluded from Parliament; and no inconvenience, he ventured to say, had been felt on this ground from their admission. The practical and material question was, whether it was the duty of Parliament to maintain the present exclusion of the Jews? The burden of proof lay with those who would exclude. It was not sufficient to use general phrases, to talk about "a Christian Parliament," or "national Christianity," without going to the supreme authority in the matter, for the purpose of ascertaining whether there was any principle which prevented them from being united in civil society with those who professed the Jewish religion. If such a doctrine existed in Christianity it would be found in the New Testament; but there was none that looked that way. The arguments looking towards exclusion were derived exclusively from the Old Testament. The Jewish people, under the Mosaic dispensation, were as much a religious and ecclesiastical as a political society. They were established by the sword—the law made no distinction between civil and religious offences—those who departed from the true faith among them were punished with the highest temporal penalties. None were admitted to political franchises in the nation except the members of the Church; and the spiritual privileges of the Church were exclusively confined to the members of that particular nation. Now in all these respects Christianity was entirely different from the system which preceded it. All the nations of the world were invited to become members of the spiritual society of Christians; and no passage could be found in the New Testament—which must be our authority upon this subject—excluding persons of any religion from civil and political power in any nation. We read there many texts which show, that, in respect to the natural and civil relations of life, Christians were intended to cultivate that course of policy which produced peace and unity among men. "If it be possible, as much as lieth in you, live peaceably with all men," said the apostle. Now, how could we live peaceably with all men, if, on the ground of a difference of religious belief, not interfering with any social duty, certain definite classes of men are to be excluded from franchises to which they would otherwise be entitled in civil society—franchises important for the maintenance of their temporal rights? There were many other precepts of similar import; while not one passage could be found to show that civil society, under the Christian dispensation, was to be constituted upon a religious or ecclesiastical basis in such a sense that those who did not profess the true religion were to be excluded from the franchises to which they would otherwise be entitled. It appeared to him to be of great importance in this question to ascertain what was the true character of civil government, and what was the character of the Christian society under the Christian dispensation. With respect to the Christian society, we were told, by the greatest authority, that it was of a purely spiritual character. "My kingdom is not of this world, else would my servants fight." To use the civil sword, therefore, for the propagation of religious truth was not only not enjoined; it was absolutely prohibited. Christianity was not to be the basis of a political organisation. On the other hand, we found in the New Testament the duty of obedience on the part of members of a Christian Church to civil governors recognised and enforced in the strongest terms. But every passage in which this duty was enforced, referred, at the time when it was written, to the civil government of the Roman empire, which was certainly not established on a Christian, nor on any religious or ecclesiastical basis. It was established by natural means, for the natural purposes of repressing crime, and maintaining natural morality. This power, for these purposes, the New Testament recognised as divine; this was the only civil government anywhere contemplated in the New Testament; and the passages referring to it now constituted the only Divine sanction for obedience to civil governments among Christians at the present day. Civil government had never since that time been derived from any new source, nor had there been any new commandment on the subject. Under this commandment the duties and the divine commission of civil government still continued the same, namely, the maintenance of order and natural morality, and the protection of society from wrong and oppression. He could not conceive, then, that they could arrive at the principle of exclusion in this way. Being thus unable to point out any principle or precept of Christianity, or anything in the nature of the Christian Church, or of civil government, which made it the duty of Christians to exclude Jews from political power in a Christian conntry, they were driven to consider the practical tendency of their admission. Now, he would not deny that, if it could be shown that Christianity would be practically benefited by their exclusion, they ought to be excluded. But he again said that Christianity taught him to give every man his due—the *onus probandi* lay upon those who would exclude. The first practical ground of exclusion relied upon was derived from the supposed absolute union of Church and State. It was the doctrine of some that after the conversion of the world to Christianity the Church and the State became so united and identical as to give the State an absolute authority, even in spiritual matters, over the Church; for which—it was justly concluded—that the State would be disqualified, if those who exercised the legislative power in it were not Christians. But from this theory he totally dissented; it was his firm conviction that this doctrine destroyed and misrepresented the true character both of Church and of State, and of the connexion which existed between the two. Such a union would degrade and secularize, instead of strengthening the Church; and, without really elevating the principle of civil government, it would destroy that which the natural purposes of government required. The strength of the Church was not in State establishments, nor in any formulæ of political constitutions, but in the truth of the religion which it professed, and in the intrinsic authority of that truth over the consciences of men. On the other hand, the State had no hold on the consciences of men except by virtue of its divine mission to conduct Government for natural purposes. The Church, by her connexion with the State, was not capable of losing her original and distinct independence; and the State, by its connexion with the Church, could not be justified in departing from its original comprehensiveness. He had high political authority for these doctrines—an authority which he was sure would be recognised in that House—he meant Mr. Burke, who, in his *Tracts on the Popery Laws*, said—

> "If, indeed, the legislative authority was admitted on all hands to be the ground of religious persuasion, I should readily allow dissent to be rebellion. But this doctrine is universally disowned, and for a plain reason. Religion, to have any force on men's understandings — indeed, to exist at all—must be supposed paramount to laws, and independent for its substance upon any human institution. Else it would be the absurdest thing in the world — an acknowledged cheat. Religion, therefore, is not believed because the laws have established it; but it is established because the leading part of the community have previously believed it to be true, As no water can rise higher than its spring, no establishment can have more authority than it derives from its principle."

He contended, then, that the existence of an Established Church could never make it necessary, or the duty of the State, to exclude from civil rights or franchises those who did not believe in the true religion; because it left the State as it found it, not with a spiritual, but with merely a temporal office and authority; and the institutions and endowments and privileges of the Established Church were founded, and ought to be maintained, not upon any abstract theory of State Christianity, but upon the immense practical preponderance of the Christians who possess power in the nation, and who, in the use of that power, have sought, naturally and justly, to make temporal means subservient, as far as possible, to the interests of Christianity, and who have therefore established those institutions which were necessary for their own religious purposes, and for the promotion of the ends of religion in a manner consistent with the civil and temporal rights of others. Upon this view, the present constitution of our Legislature, into which

Roman Catholics and Dissenters were admitted, was perfectly consistent with the maintenance of the Established Church; but upon the other view—that of the absolute identification of Church and State—it clearly could not be reconciled. The admission of Jews would make no practical difference, except that it might be said their exclusion was a national testimony of belief in Christianity, which, by admitting them, would be withdrawn. But what kind of testimony? If they admitted this principle, might not any persecution whatever be considered a testimony of belief in Christianity? If they inflicted the cruel persecutions of former times, they might object to discontinue them on the same principle. The question was, whether it was a right kind of testimony, and consistent with the real character and obligations of Christianity? for if not, Christianity could not be honoured by it. It appeared to him very clear that the interests of Christianity did not require anything unjust or unfair for their support. They could afford to rely on their own intrinsic power; and, with respect to the national faith, he apprehended there was nothing in the present measure which would make the nation less Christian than before. The Christianity of a nation did not depend upon the religion professed by the framers of its laws, but upon the numbers and sincerity and zeal of the citizens who believed in Christianity. If the Christians in the nation were sincere—if they continued to be the vast preponderating power in the country, and to act upon Christian principles—the Christianity of the nation would continue the same after the passing of this measure as before it. As long as that state of things continued, the Christians, constituting the great mass of the nation and of the Legislature, would manifest their own Christianity, and would maintain all its temporal interests, exactly in the same manner as before. They would not give up the benefits of an Established Church, or the privilege and the duty of consecrating their deliberations with Christian prayer, merely because there would be a small fraction of the people, or of the Legislature, who had not the happiness of partaking with them in those advantages. Why should it be apprehended, that anything which was the real right of a majority, would be less insisted upon by a majority in religious than in any other questions? What ground was there for thinking that any Christian legislator would cease to be actuated by Christian motives and principles, because he would have to speak and act in the presence of a Jew? He wished, before concluding, to add, that it was impossible for legislation and discussions of a purely spiritual kind to be carried on in that House as at present constituted. They must confine themselves to questions involving the temporal accidents of religion, and temporal laws and institutions connected with the Established Church, and with the other religious communities of the country. As to these questions, it was no hardship upon any class of Christians that they should be subject to the legislation of a mixed body, comprehending persons of a different faith; because all these were things over which, by God's natural appointment, every temporal Government, whether Christian or not—even a Government composed exclusively of Turks—must have legitimate authority. But he confessed he should not be sorry to see the constitution of the House so marked as to prove, upon the very front of it, that purely spiritual questions were not fit to be legislated upon and discussed in that House. Upon the whole, it appeared to him that the interests of the Church in this country could never suffer from acting in a manner consistent and compatible with the civil and temporal interests of every subject of the British Crown. If anything could endanger the rights and interests of the Church, it would be the maintenance of the doctrine that they could not be reconciled with the free admission of any class of the people to civil and political franchises to which, upon temporal and civil grounds, they were entitled. He desired, as a Churchman, that the Church should have full justice done her; but if Churchmen wished to have justice, they must do it—if they would have liberty, they must act with liberality—they must act, not only justly but generously towards others, and must not make the Church the only obstacle to the admission of any class of citizens to political rights and franchises, especially those connected with the representation in that House, which were important for the protection of their temporal and civil interests.

VISCOUNT MAHON had already on a former occasion expressed his conscientious opinions with reference to the Bill; and being convinced that those opinions, however they might clash with those of men whose authority was higher than his own, were founded on truth and justice, he would not shrink from again giving them utterance whenever a befitting opportunity arose. What, he would in the first place, ask, was the period selected for the introduction of such a measure? It was proposed at a time when the cause of civilisation and Christianity was steadily advancing all over the world. He said, civilisation and Christianity, for sometimes it was Christianity that brought in civilisation, and sometimes civilisation that brought in Christianity; but in the long run these two were inseparably bound together, and the one would finally appear as the companion and helpmate of the other. At present there was no country so benighted or so barbarous that the light of Gospel truth was not at least dawning on it; and the time was near—near not merely in the dreams of enthusiasts—not merely in the hopes of ardent men, but in plain sober reality—when the natives of every country would have the opportunity of hearing proclaimed to them the name and doctrine of Christ. Yet this, this happy advance of religious truth, was the precise period at which the first representative assembly in the world, the assembly to which all other representative assemblies looked up with reverence, proposed to enact a law the purport and signification of which was, that so far as the duties of legislation were concerned, the true faith of a Christian was of no manner of importance; but that on the contrary those duties might be discharged as effectually by the Pagan, the unbeliever, or the Jew. Whether would such a course tend to encourage and assist, or to dishearten and impede those who were engaged throughout the world in the good work of converting nations? But let them look also to the moral influence of such a change among ourselves at home. The House ought to remember that it was responsible both for the practical effect of its legislation upon its own people, and also for the wide-spread moral effect of its example upon the world at large. It was of the highest importance that the members of the various religious persuasions into which their common Christianity was divided, should bear in mind, not only the important points on which they differed, but also the still more essential points on which they agreed. The law, as it at present stood, encouraged all professing Christians to that course. It rendered it imperative on them that before undertaking the duties of legislation they should take an oath on the true faith of their common Christianity. The change which it was now proposed to introduce would do away with that profession of faith, and destroy that bond of union—the highest, holiest, and most sacred of all bonds—whereby the Members of that House were held together in sympathy. To go beyond the words "on the true faith of a Christian," as was done before the Act of Roman Catholic Emancipation, was, he thought, intolerance: to stop short of these words, as was now proposed to be done, was, he maintained, not toleration but indifference. He maintained that, as a matter of right, the Jew was not entitled to share in the duties of legislation; and that, as a matter of policy, it was wholly inexpedient that he should be admitted to the privilege. True, the Jews were eligible to serve as aldermen and justices of the peace, and he did not complain that it was so; on the contrary he had himself supported the Bill which made them eligible to such offices; but it was one thing to administer laws already made, and another to take part in the enactment of measures which might happen to affect, in some very essential respect, the interests of Christianity. The burden of proving that the admission of Jews would have a practical tendency to injure the community, did not, as had been asserted by the hon. and learned Member for Plymouth, rest with those who were hostile to the measure. They had a right to look to the secret and ulterior motives of some of its supporters—motives which the hon. and learned Member for Plymouth had only indicated, but which others had more openly avowed. There had been presented to the House, lately, a petition signed by a dignitary of the Established Church for whom he had the highest respect, Archdeacon Wilberforce, which went to this extent: he was favourable to the admission of the Jews to seats in Parliament, on the ground that he hoped it would finally lead to a separation between the Church and the State. The only point, however, which he thought ought to be considered was, whether the admission of any new class of voters would upon the whole tend to better legislation. The question was, would the admission of the Jews into Parliament tend to improve or to injure legislation? He was decidedly of opinion that it would not improve it, but lower and sink the whole tone of it. In order to admit a very small class of men to a privilege to which they were not of right entitled, the House was called upon to violate a great principle, and to proceed to the absolute negation of Christianity. He, for one, could not consent to it. With respect to the manifestation of opinion against the Bill out of doors, he was bound in candour to admit that it was not as wide-spread or as emphatic as he could have wished it to have been. There had not been many petitions presented, nor had many meetings been held to denounce it; but if the progress of the measure were stopped elsewhere, as he trusted it would be—if it were destined that it was not to reach the foot of the Throne, but would have to be introduced again another year into that House—it was his conviction that when the question was again brought under the consideration of the people, there would be a much more general and a much more decided expression of public opinion in its regard. In any event, however, whether the principle which he maintained, should be upheld by the sense and intelligence of this great country, or be repudiated by them, to that principle he at least should steadily adhere.

Sir R. H. INGLIS observed, that as he had already experienced the indulgence of the House, he ought, perhaps, to feel that such indulgence was a sufficient motive against his asking for a renewal of its attention; but having been in the first instance opposed to the measure he could not but desire, at the last opportunity, to state that further consideration of the subject had only deepened his conviction of the inexpediency of the Bill. The noble Lord who had spoken last had refuted much of that which was open to objection in the speech of the hon. and learned Member for Plymouth (Mr. R. Palmer), so that it would be unnecessary for him to occupy a moment in adding to it. He would, however, tell his hon. and learned Friend, that while he truly respected his learning, his talents, and his large and varied acquirements, he never had witnessed in any man approaching him in those qualifications an exhibition which less forcibly realised their existence. There was a latitudinarian theory pervading his entire speech which truly disappointed him; for throughout he maintained an argument wholly at variance with an established and recognised principle. The hon. and learned Gentleman contended that the *onus probandi* lay upon the possessor of a right; but surely such an argument could not hold good; for if that were admitted, Her Majesty might be compelled, if Her title to the Throne were disputed, to prove that she had the right to inherit and enjoy it, and not Her enemies to prove that she had no such right. One of the most popular arguments in favour of the measure was, that as they had gone so far they were bound to go farther. To this principle, also, he could not subscribe, as he held the argument to be utterly valueless. It was no reason because they had taken one step in the wrong direction, that they were to increase the mischief by going still further; neither could the commission of two errors amount to an amendment. Without going into the question of the probability of this measure leading to a separation of Church and State, he would merely state, that in that House they had not a visionary Christianity to deal with, but a Christianity embodied in a particular Church Establishment. The hon. Member for Manchester had stated the other night, with great justice, that the very terms on which he was summoned to the House invited him and required him to legislate for the concerns of the Church. If that were so, it was a misfortune; but did it follow that because they had admitted a discordant element into the Legislature, that they were to add another discordant element? It was asked, what had politics to do with religion? His answer was—Enough to justify him in inquiring who were to be the component parts of the Legislature, especially of the House of Commons. The selection of bishops practically rested with the Prime Minister. But who made his noble Friend Prime Minister? Why, a *congeries* of Roman Catholics, Dissenters, and members of the Church of England. Was it, then, desirable for the interests of the Church to admit at the present time a new element of opposition to the Church into this electing and constituting body? His objection to the Bill was not so much that it would unchristianise the Legislature, as that it proclaimed that the Legislature was indifferent to what was the religion of its Members. It was this indifferentism which he regarded with so much fear. How could we expect to carry the words of salvation to the heathen if we ourselves regarded them with indifference?

Mr. MILNES GASKELL said, he was unwilling to interpose any delay between the proposition of the noble Lord at the head of the Government and the decision to which the House was about to come;

but there were circumstances connected with this subject that made him peculiarly desirous to say a few words in explanation of the vote which he meant to give. He was not insensible to the difficulties of this question—he was not insensible to the weight of those arguments which suggested that there was something anomalous in the idea that persons of the Jewish religion should be admitted into that House to legislate for Christian interests: on the other hand, he was not insensible to the force of those which reminded him that in a free country no man should be debarred from the exercise of any civil privilege on account of religious opinion; and if, after the best consideration he could give this subject, he had arrived at a different conclusion from that which had been come to by the great majority of those with whom he had usually the good fortune to concur, he thought it a more straightforward and more open course frankly to avow that difference, than to content himself with giving a silent vote for the proposition of the noble Lord. On many accounts it would be more agreeable to his feelings to take another course. He was well aware, from various communications he had received, that this proposition had excited feelings of hostility and alarm on the part of a considerable section of the people, whose opinion was entitled to all the weight which loyalty and respectability had a right to claim. He respected the religious feeling from which the hostility to this Bill had emanated, and would gladly defer to it, if he felt that he could do so without being a party to what he conceived to be a practical injustice; but he could not bring himself to think that any danger would accrue to public interests from the removal of these restrictions, or that in the absence of such danger it was just to retain them. It was no answer to this to say, the Jews were so small a body, it was not worth while to do violence to public feeling on their account. In his opinion, the smallness of their number rather constituted an additional argument in their favour, if the concession of their claims was just; and though it was painful to him to differ upon this question with many persons for whose character and judgment he had great respect, yet he was not only fortified by his own convictions upon the subject, but also by high authority—by the past or present opinions of almost every leading man in both Houses of Parliament; and last, but not least, by those of Mr. Huskisson, and the other surviving friends of Mr. Canning, in 1830, who had given their cordial support to a similar proposition. It appeared to him that there were but two arguments which were seriously relied upon in opposition to this Bill; they had been stated in various forms and with great ability, but every argument which he had heard advanced upon this subject seemed to him to resolve itself into one or the other of these objections: first, it was said the Jews were a separate and distinct nation, with no claim to citizenship, and no title to be regarded as subjects of Her Majesty; secondly, it was said—and this was the argument which was most insisted on—the passing of this Bill would involve a principle destructive of the Christian character of the constitution, and at the best would indicate, on the part of Parliament, a discountenance and disregard to the public profession of Christianity. If these were allegations that could be sustained by argument, the opponents of the Bill were entirely justified in resisting it. He would shortly state the grounds on which he could not concur in the force of these objections. He owned that to the first he attached but little weight. It seemed to him that, to say the least of it, it was entirely inconsistent with the whole tenor of their past legislation on this subject. If it were true that the Jews were not subjects of Her Majesty, they ought to have acquiesced in the Motion of an hon. Friend of his, the Member for Shoreham (Mr. Goring), the other night, which went to deprive them of the elective franchise. It could hardly be contended that they were excluded from the House of Commons by any question of race, while they were allowed to vote at the election of Members to serve in Parliament. But it was not the elective franchise only which the Jews possessed; they were eligible to almost every trust except the one they were now claiming at our hands. We admitted them to corporation offices—we allowed them to serve on juries—we made them baronets—we made them sheriffs—in Canada and Jamaica we had already conceded the principle for which they were now contending, and it was only in this country, and when they asked for a full recognition of civil rights, that they were told they were not subjects of Her Majesty. If this was an argument that was good for anything, it seemed to him to be far better for retracing our past steps in legislation than for rejecting the proposition of the noble Lord (Lord J. Russell); and he thought it would be a more consistent and a more intelligible course to repeal the Acts which conferred civil privileges on the Jews, than to seek to deprive them of one half of the rights of citizenship. But he was aware it was the second objection he had adverted to, which was the one mainly relied on, namely, that this Bill would have the effect of unchristianising the Legislature of this country. He confessed it appeared to him that the use of such an argument, and the avowal of such a fear, was a reflection upon the faith professed by the immense majority of the people. Surely it could not be seriously contended that we should cease to be a Christian people, because three or four Jews were admitted into that House, if elected by Christian constituencies; or that a religion which was professed by 99-100ths of the people of England required the aid of disabling statutes to maintain it. As far as danger to the Church Establishment was concerned, he believed the Jews were less likely to make proselytes, less likely to interfere with the religious institutions of the country, than almost any class of Dissenters from the Established Church. He had yet to learn that sects were hostile to each other in proportion to the wideness of their religious differences; nor did he believe the Jews had ever evinced as much hostility to the Established Church as other classes of Dissenters. They had not taken a prominent part in the organised opposition which had been carried on for so many years to church-rates; and he believed there were many instances in which wealthy and influential members of their body had liberally subscribed to provide means of worship and education for the Christian poor. He owned, therefore, he was at a loss to see why the Jew should be placed on a worse footing in respect to civil privilege than other classes of Dissenters. He knew it was said that Christianity was still part and parcel of the law, and that it would cease to be so on the passing of this Bill; but he apprehended it was the Christianity of the Church of England which was so established; and unless the Christianity of the Church of England had ceased to be a part of the law when the Test Act had been repealed, and when Roman Catholic disabilities had been removed, he was at a loss to understand why the passing of this Bill should produce that effect. The only argument against the measure which had had any great weight in his mind was that which referred to the injustice and anomaly of permitting Jews to legislate for the Church of England on purely religious matters. He thought there was some force in that objection; but he held that it applied as strongly to Roman Catholics, who sought to supplant the Church of England, and to Independents, who were averse to all church government whatever. It appeared to him that we must make our election between two principles, and be content to take the evils and inconveniences attendant on whichever principle we preferred. We must either confine civil eligibility to persons professing the established faith, or lay down the broad and general principle that there should be no civil disqualification on account of religious opinion. He knew it was said by many Gentlemen, "It is true that we have made two fatal departures from the integrity of the constitution, but we have never gone so far as this;" and that he at once admitted; but he thought we had gone far enough to make the retention of this solitary exclusion altogether indefensible. He had been much struck by an able and, in his opinion, a conclusive argument of Archbishop Whately's on this subject, in which it was contended that the danger of being thought to proclaim indifference to religious truth was greater as the law now stood, than it would be if Parliament were to legislate throughout on a consistent and intelligible principle; and that while we excluded men from civil privileges on account of the importance of their errors, we practically implied the unimportance of those for which we did not exclude them. It should be remembered, too, that this measure was more one for the removal of a stigma than the conferring of a privilege—more the recognition than the grant of influence—more a question of social position than religious faith; but the subject was discussed out of doors, and even by some Gentlemen in that House, as if the proposition now before them was one for the creation of Jewish constituencies, and for the compulsory election of a large body of Jewish Members, and as if the noble Lord himself (Lord J. Russell) were some wicked and apostate Minister, such as the one imagined by Sir Edmund Isham in 1753, whose only object was to increase the number of Jews in England. As to any political objections to this measure, he apprehended that there were none. Objections had been made to the Roman Catholics on such grounds; but he had never heard it alleged that the Jews owed a divided allegiance, or refused to keep faith with heretics. He had never heard of a Jewish rent for purposes of sedition, or of a Jewish Association to intimidate the House of Commons, or overawe the Government. The Jews were a small, peaceful, industrious body, who had for years contributed to the exigencies of the State, though denied the right which was granted to every other sect, that of a voice in the distribution of the taxes. They now came before Parliament, temperately claiming a community of interests and privileges with the rest of their fellow-subjects; and from the all but universal testimony which was borne to them, he believed they were as little likely to abuse such privileges as any sect of Dissenters from the Established Church. The elements of political power they possessed already—intelligence they had—wealth we allowed them to acquire and to retain—we gave them everything that could be said to constitute political power, but persisted in refusing them its distinctions. He (Mr. Gaskell) saw no valid reason for continuing to withhold them. He could not bring himself to think that religious opinions, as such, ought to be a bar to any claim of citizenship. It was only when religion assumed a political character, and sought to excite a spirit of resistance against the law, that it seemed to him just or politic to erect a barrier against the admission of persons professing particular opinions; and in all those cases it appeared to him that exclusion should rest on civil and not on religious grounds. He thought the laws ought not to meddle with opinions: they overstepped their proper boundaries when they arrogated to themselves such a jurisdiction; and when they subjected religious belief to the control of civil authority, they were investing the Legislature with attributes which it had no right to claim. It appeared to him that every man was entitled to a full participation in the privileges of the State, as long as he remained obedient to the law; and whatever toleration you might extend to the mere observance of his creed, if you mortified his pride—if you limited his sphere of usefulness—if you shut him out from public offices which other loyal subjects of the Crown could hold, you branded him with an unmerited stigma, and deprived him of his fair share of influence and power. It was no new principle which they were called upon to establish. The principle of abolishing religious tests had been affirmed by Parliament, when the Corporation and Test Acts had been repealed, and when Roman Catholic disabilities had been removed. The noble Lord the First Minister of the Crown called upon the House of Commons to ratify and confirm that principle. Its foundations had been deeply laid in the soil of the constitution, and in his (Mr. Gaskell's) opinion, it would be little in harmony with the spirit of our civil institutions to decide, by the rejection of this Bill, that they would disown that principle, and retain a disqualification which no plea of State necessity could be adduced to justify, and the removal of which, in his conscience, he believed that Christianity inculcated as much as policy enjoined.

Mr. NEWDEGATE begged to remind the noble Lord at the head of the Government of the argument he had used on the second reading of the Bill, which was founded on the effect which he then urged had been produced by the removal of the Jewish disabilities in a neighbouring country. He asked the House to reflect on the events that had followed upon the disconnexion of religion from the State in France. Since he spoke, the monarchy in that country had fallen. He wished to ask the noble Lord at the head of the Government, whether there was not proof of the assertion he (Mr. Newdegate) made, that the abrogation of the Christian character of the legislative body of France, had alienated the Church from the State? Whether the repudiation of Christianity by the State had not led to a corrupt system of government, and whether the Gallican Church had not shrunk from that Government, which denied the dictates of religion as the basis of its councils—whether, in short, the Church of France had not sought from Rome the support refused her by the State, and had not been among the first to acknowledge the fall of that Government, which had repudiated her sacred influence, and to hail the advent of a new order of things, however turbulent? He would beg the House not to confound their opposition to this measure with the narrow principle of sectarian difference, but view it as based on the higher and broader principle of Christianity. The religion of a vast preponderating majority of the people, should, according to all popular principles, characterise the legislative assembly of the nation, and the religion of the people of England was pre-eminently Christian.

Mr. FORTESCUE supported the Bill, and urged that the number of the Jews was so small, the number of the applicants for admittance to the House under the Bill so trifling, that the objections made to it were not well founded. But even if the Jews were more numerous, those arguments were untenable in themselves. Legislative enactments and restrictions were not the proper modes for defending the Church of England. No church could be defended by mere acts of legislation. A great deal had been said by both the opponents and supporters of the measure in praise of the Jews; and it appeared to him that those praises cut the ground from under those who opposed it. The English Jew of the present day was not like the Jew of the middle ages. He lived in an atmosphere of Christianity, and could not be argued against as if he had his ideas founded upon the ancient prejudices.

Lord J. RUSSELL: Sir, I feel myself called upon, before the termination of the proceedings, to endeavour to give some answer to the objections which have been made to the measure which I had the honour to propose. In the first place, therefore, I must say that it is a very good augury for the success of this Bill, and for the advance of the principles of freedom and humanity, that the hon. and learned Gentleman who has proposed the rejection of this Bill began with giving up and abandoning some of those arguments which have had the greatest effect in prejudicing the opinions of many hon. Gentlemen on the former discussions. He began by saying that the arguments derived from prophecy had no weight in this question. He said that, whatever was the fate of the Bill—supposing the Bill were to pass—that Christianity would be then no less an important portion of the law of the land than at present. He, therefore, gave up that argument, which had been urged as one of the most successful against the measure, that the proposition was one to unchristianise the Constitution and Legislature of the country. Sir, I derive encouragement from those admissions. I derive encouragement from them, not only from the great authority which attaches to whatever falls from the hon. and learned Gentleman, but I think that that authority shows that many of those objections relied upon, and which have been taken before in the discussions upon this measure, are in the main fallacious. But, Sir, I still find that there are questions of principle, and questions of practice, which have been urged in the course of the discussion which has taken place to-night. Let me, therefore, in the first place, hope to remove a misapprehension which was entertained in the early stages of these discussions, and which misapprehension, likewise, the hon. Member for the University of Oxford still seems to entertain. I must beg to say, that it is no part of my argument that religion has nothing to do with politics, or that we ought not to be guided by religious views and motives in the conduct of our legislation. On the contrary, I believe that religion ought to influence us in the smallest of our domestic affairs, and in the highest of our legislative duties. I believe that, far from having had nothing to do with legislation, I believe that Christianity is the source of the most enlightened laws of modern legislation, of the best that modern times have produced. I believe it was owing to Christianity that the system of slavery which prevailed in the ancient world was abolished in the early period of the modern. I believe that it was Christianity which inspired Wilberforce, and those who acted with him, to make that attempt which finally succeeded to destroy the slave trade, which was a disgrace to any Christian country. To speak of no particular law, but to speak of the general spirit of institutions, my belief is, that whereas ancient republics and ancient States, the more they became civilised, became the more loose in their morality — became more bewildered by the vain theories of philosophy—became more corrupt in their moral practices; so I believe that modern nations, having Christianity to guide them, as long as they preserve that Christianity, in proportion as they become more civilised, so far from falling into those corruptions and being less governed by the moral law as they advance from the early and rude stages of their existence, they will become more and more subject to those laws, and will more and more encourage the supremacy of the Divine laws. Therefore, holding these opinions, it can be no part of my case that religion has nothing to do with politics, or that Christianity should be kept out of sight in our discussions. But what I have maintained, and what I now feel greater confidence in maintaining after all I have heard is, that you cannot by special declarations—you cannot by mere words introduced into an oath—you cannot by any form of a statute—obtain that political support and that acknowledgment of Christianity which we desire. It is not to be gained in this way. I proved this formerly by the instances of those who were notorious unbelievers in Christianity, and who yet sat in this House in spite of your declarations. But I will put it to this simple test. If those declarations are sufficient, why don't you carry your legislation much further? Why don't you make every Member on entering this House declare that he will not be governed in his votes by prejudices or partial affections—that no corrupt motives, no personal animosities, shall sway him; but that in all his votes he will be governed solely by the love of his country? I contend, Sir, that if declarations are sufficient, if men were to be governed by the mere words of declarations, declarations would be as good with regard to these matters as they would be with regard to matters of religious opinion. But although you may make a negative by a declaration —although you may effect an exclusion by means of a declaration—you can gain no positive benefit by oaths or declarations. If you choose to have a declaration in favour of a belief in the doctrine of the Trinity, you may exclude Unitarians. If you choose to adopt a declaration against the doctrine of transubstantiation, you may exclude Roman Catholics. In the same way, by a declaration founded upon the true faith of a Christian, you may exclude Jews. But by none of those declarations can you produce either a positive belief in the doctrines of Christianity, or a positive conformity to its laws and principles. That is beyond your legislative power. And it is not to be obtained by words placed upon the Statute-book. And yet the want of this distinction has run through every speech that has been made hitherto against this Bill. It has been said, that I am ready to abjure Christianity, and that I am willing that the Legislature should be indifferent to Christianity—that it should no longer acknowledge the force of Christianity. Why, Sir, if a declaration of this kind "on the true faith of a Christian," produced those effects, I should admit there was very great, perhaps I might say invincible, force in those arguments. But knowing that there is no such thing—that those words of a mere declaration no more insure that the Legislature shall not be Jewish than that it shall be Christian, there is, I contend, no force in the argument. But let us come to that which is more tangible, and, before doing so, I must beg to refer to a speech in regard to which the argument I used is applicable. I heard with great pleasure that speech—it was marked by considerable ability—and was made by the son of an old and distinguished friend of mine—I refer to the speech of the hon. Member for the borough of Cambridge (Mr. Campbell)—who spoke against the measure. He said, "Why should you not have an approbation of moral virtue which should be a security for order and good conduct in the State?" Why, Sir, I quite admit with him, that if you were to produce those qualities of moral virtue by mere words of a declaration, it would be worth your while to introduce that declaration. But as I think no such effect can be produced by a statute—as I think you can have no such security by means of it—I cannot consent to the exclusion which my hon. Friend wishes to produce. But, Sir, let us come to the practical effects which it is said are to result from the admission of Jews into the Legislature. With regard to the Jews themselves it must be admitted, I think, that there are many examples in the New Testament, as well as in the Old, that the moral laws to which they consider themselves subject are those moral precepts on which hang all the law and the prophets. They consider themselves subject to that moral law of which we ourselves acknowledge the obligation. With regard to their civil conduct, no one has impeached it. They are good subjects and citizens of the State; as good citizens, in every way, as ready as others to bear the burdens as subjects in all parts of the kingdom to all those laws by which men are forced to defend their country in case of war or invasion. But, besides this, let us consider a little what would be the danger of allowing men of the Jewish persuasion to have seats in this House. We are told, to serve the purpose of the opponents of the present Bill, that we are at present all Christians. Is it therefore presumed that we are all united? But the fact is, we have had many debates of late years (and we shall have many in future years), in which the opinions of the Christians have been stated against one another with great force, and with great violence of accusation. We had some time ago a question relating to the property of Unitarians. We had also a question affecting Maynooth, regarding Roman Catholics.

And although it is now said that we are all Christians, yet on those questions respecting the Unitarian chapels, what was so common as to deny that Unitarians were Christians? And during the debates upon the question of the endowment of Maynooth, nothing was more common than the assertion that the Roman Catholic was a false religion. And the very grounds upon which the hon. and learned Member for Abingdon has put his objections to-night against this Bill, are the same that were then urged, although it is acknowledged that we are all here Christians. Amongst Christians there are those differences and disputes which it is now said are only between Christians and Jews. But not only in those instances which I have stated, but, so far as I can remember, there is only this one question relating to their privileges, specially, between the Christians and the Jews; whilst with regard to Christian sects, and especially to the Roman Catholics, we must expect that there will be many questions which will divide this House. Now, with regard to those questions, an Act passed some time ago, which is known as the Irish College Act, and to which the hon. Baronet the Member for the University of Oxford took great objection. Hon. Members of this House who belong to the Roman Catholic persusion must feel that they are a good deal influenced in their conduct with regard to that measure, and guided by the opinion of the Pope. With regard to those colleges, then, there must be a direct conflict between the civil authority of Parliament and the spiritual authority of the Pope, and there is an inconvenience in that. But with regard to the Jews we are not liable to any such danger. Neither have the Jews, as far as I know, any anxiety or any disposition to overturn the Church of England. I believe that they would consider questions with regard to the Church of England as fairly as any other Members of this House who do not themselves belong to the Church. They would take that course in Parliament generally on these subjects which as independent Members they would have a right to take, without any of those feelings that might be supposed to influence sects that were more nearly interested in the matter. But then with regard to the greater part of the questions that come before this House—with regard, for instance, to the questions that have been before us this Session, such as the Currency and the Bank Charter—will it be contended that the Jews are unfit to legislate on these subjects? With regard to the supplies to be voted, and to the commercial policy of the country generally, nobody will say that a member of the Jewish persuasion would be unfit to give an opinion on such subjects; and, in fact, I do not know that there has been in the present Session any one question on which the Jew was likely to differ from others in this House on religious grounds. It has been said that questions with regard to the Church cannot be legislated on by this House if this Bill pass; but whatever evil can happen from that cause has been already incurred; because, instead of having one or two gentlemen of the Jewish persuasion in the House, we have a large number of Protestant Dissenters, and a large number of Roman Catholics, who are as far removed from sympathy with the Church, and who would be as much opposed to the Church on matters affecting its interests, as any person belonging to the Jewish persuasion. Then, Sir, the question is, after all, whether you shall keep up a religious exclusion or not? I affirmed formerly, and I affirm again, that it is quite contrary to the spirit of the constitution to maintain any such exclusion. With regard to all social distinctions, with regard to any distinctions of rank, every one knows that in this country a person of the most humble birth may, by his merits, rise, in the Church, in the Law, or in the State, to have a rank superior to the Duke of Norfolk: such is the liberal form of the constitution of this realm. My hon. Friend the Member for the University of Oxford has again referred to a fallacy that had been refuted, I thought, over and over again. He said, that this is a case similar to the exclusion of a man with a freehold of 39*s.* a year. But if the man so excluded gets better off in the world, he becomes at once, without any test being imposed upon him, a 40*s.* freeholder, and can vote. But with the Jew, the case is different. You say to him, "You cannot sit in Parliament without you change your religion." You tell him that he must do violence to his conscience, which is a totally different matter from saying to a man, "Unless you have more property you are not entitled to vote for a Member of Parliament." But, contrary as I think this exclusion is to the spirit of the constitution, I own that in the view which I take of it, it is still more contrary to the spirit of Christianity. It appears to me that there can be no greater triumph of Christianity than the admission of all persons within these walls, paying due allegiance to the Sovereign, and obeying the laws of the country, even though they differ from the religion of the State, and even from the Christian religion altogether; because, Sir, it is my belief that as Parliament has hitherto been governed by the spirit of Christianity, because the greater portion of its Members were Christians, so that superiority would still continue—that the admission of a few members of the Jewish persuasion would not alter that state of things—and that it would be the greatest proof of confidence in the doctrines of Christianity to declare that we shall rely in future, not on an Act of James I., not on a Statute of George IV., but on a law written on the heart.

The House divided on the question, that the word "now" stand part of the question:—Ayes 234: Noes 173; Majority 61.

List of the AYES.

Abdy, T. N.
Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anson, hon. Col.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, M. T.
Baring, rt. hn. Sir F. T.
Baring, hon. W. B.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Birch, Sir T. B.
Blewitt, R. J.
Bouverie, hon. E. P.
Bowring, Dr.
Boyle, hon. Col.
Brand, T.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, R. D.
Bunbury, E. H.
Busfeild, W.
Buxton, Sir E. N.
Cardwell, E.
Carter, J. B.
Cauldfield, J. M.
Cavendish, hon. C. C.
Cavendish, W. G.
Cayley, E. S.
Cholmeley, Sir M.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Cubitt, W.
Dalrymple, Capt.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, W. J.
Denison, J. E.
D'Eyncourt, rt. hn. C.T.
Disraeli, B.
Divett, E.
Duff, G. S.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Ellice, rt. hon. E.
Elliot, hon. J. E.
Evans, Sir D. L.
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fox, R. M.
Fox, W. J.
Freestun, Col.
French, F.
Gardner, R.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Gladstone, rt. hn. W. E.
Glyn, G. C.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, J.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hanmer, Sir J.
Hardcastle, J. A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Headlam, T. E.
Heathcoat, J.
Henry, A.
Herbert, H. A.
Heywood, J.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hogg, Sir J. W.
Howard, hon. C. W. G.
Howard, hon. J. K.
Hume, J.
Humphery, Ald.
Hutt, W.
Jackson, W.
Jervis, Sir J.
Johnstone, Sir J.
Keppell, hon. G. T.
Ker, R.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lennard, T. B.
Lewis, G. C.
Lincoln, Earl of
Loch, J.
Locke, J.
Lushington, C.
Macnamara, Maj.
M'Gregor, J.
Mahon, The O'Gorman
Maitland, T.
Mangles, R. D.
Martin, S.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Mitchell, T. A.
Moffatt, G.
Monsell, W.
Morpeth, Visct.
Morison, Gen.
Morris, D.
Mowatt, F.
Mulgrave, Earl of
Norreys, Lord
O'Brien, Sir L.
O'Connell, M. J.
O'Connor, F.
Ogle, S. C. H.
Oswald, A.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmer, R.
Palmerston, Visct.
Parker, J.
Pattison, J.
Pechell, Capt.
Peel, rt. hon. Sir R.
Perfect, R.
Peto, S. M.
Philips, Sir G. R.
Pigott, F.
Pilkington, J.
Pinney, W.
Power, N.
Powlett, Lord W.
Price, Sir R.
Pusey, P.
Rawdon, Col.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Robinson, G. R.
Romilly, J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Sandars, G.
Scholefield, W.
Scrope, G. P.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Somerville, rt. hn. Sir W.
Stanley, hon. E. J.
Stansfield, W. R. C.
Staunton, Sir G. T.
Strickland, Sir G.
Stuart, Lord D.
Sullivan, M.
Talbot, C. R. M.
Talfourd, Serj.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Towneley, C.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Trelawny, J. S.
Turner, E.
Verney, Sir H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Ward, H. G.
Watkins, Col.
Westhead, J. P.
Willcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.

Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyld, J.
Wyvill, M.
Yorke, H. G. R.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the Noes.

Acland, Sir T. D.
Alexander, N.
Alford, Visct.
Arkwright, G.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baldock, E. H.
Bankes, G.
Bateson, T.
Beckett, W.
Bentinck, Lord H.
Beresford, W.
Bernard, Visct.
Blackstone, W. S.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Bolling, W.
Bourke, R. S.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Briscoe, M.
Broadley, H.
Brooke, Lord
Buck, L. W.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Cabbell, B. B.
Campbell, hon. W. F.
Carew, W. H. P.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clive, H. B.
Cobbold, J. C.
Cochrane, A.D.R.W.B.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Colvile, C. R.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Courtenay, Lord
Cripps, W.
Currie, H.
Davies, D. A. S.
Dod, J. W.
Douro, Marq. of
Drumlanrig, Visct.
Drummond, H.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Du Pre, C. G.
Egerton, Sir P.
Egerton, W. T.
Estcourt, J. B. B.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Fuller, A. E.
Goddard, A. L.
Godson, R.
Gooch, E. S.
Gordon, Adm.
Gore, W. O.
Goring, C.
Granby, Marq. of
Greene, T.
Gwyn, H.
Haggitt, F. R.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Harris, hon. Capt.
Hayes, Sir E.
Heald, J.
Heathcote, Sir W.
Henley, J. W.
Hildyard, R. C.
Hildyard, T. B. T.
Hodgson, W. N.
Hood, Sir A.
Hope, Sir J.
Hope, A.
Hornby, J.
Hotham, Lord
Ingestre, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Knightley, Sir C.
Knox, Col.
Law, hon. C. E.
Leslie, C. P.
Lindsay, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mackenzie, W. F.
Macnaghten, Sir E.
Mahon, Visct.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord G.
March, Earl of
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Moore, G. H.
Morgan, O.
Napier, J.
Neeld, J.
Newdegate, C. N.
Newry & Morne, Visct.
Ossulston, Lord
Packe, C. W.
Palmer, R.
Patten, J. W.
Peel, Col.
Plowden, W. H. C.
Powell, Col.
Prime, R.
Raphael, A.
Reid, Col.
Rendlesham, Lord
Richards, R.
Rolleston, Col.
Rufford, F.
Rushout, Capt.
Scott, hon. F.
Seymer, H. K.
Shirley, E. J.
Sibthorp, Col.
Simeon, J.
Smyth, Sir H.
Somerset, Capt.
Somerton, Visct.
Spooner, R.
Stafford, A.
Stephenson, R.
Stuart, H.
Stuart, J.
Sturt, H. G.
Thornhill, G.
Tollemache, J.
Trevor, hon. G. R.
Turner, G. J.
Villiers, Visct.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Welby, G. E.
Wellesley, Lord C.
Whitmore, T. C.
Williams, T. P.
Willoughby, Sir H.
Worcester, Marq. of

TELLERS.

Thesiger, Sir F.
Inglis, Sir R. H.

Bill read a third time passed.

EVICTED DESTITUTE POOR (IRELAND) BILL.

House in Committee on the Evicted Destitute Poor (Ireland) Bill.

On Clause 1,

Mr. F. FRENCH begged to ask a question of the right hon. Baronet at the head of the Home Office in reference to certain proceedings connected with the eviction of certain tenants in the county of Galway that had been the subject of discussion in that House, and to which much weight had been attached in consequence of the remarks that had fallen from the right hon. Baronet the Member for Tamworth upon them. An hon. Member of that House (Mr. St. George), whose name had been mixed up with those transactions, had triumphantly vindicated himself from the charges brought against him; but on the part of Mr. Blake, the other gentleman accused, no defence had been made. He had been recently informed by persons connected with the county of Galway, that the question was not in any way a landlord question, and that the proceedings had taken place without the knowledge, or sanction, or approval of Mr. Blake; that the persons whose houses had been torn down were a nest of robbers who had settled themselves without authority within the district, and who were plundering the industrious tenants; and that the tenants in consequence of these plunderings had taken upon themselves to tear down the houses. The question which he wished to ask was, whether the right hon. Baronet had heard this statement, and whether he had any reason to believe it was correct?

SIR GEORGE GREY said, that all he knew of the matter was, that Mr. Blake had communicated a statement with regard to the transaction to the Lord Lieutenant, on being called upon to do so, and that the Lord Lieutenant did not consider it satisfactory.

Bill went through Committee.

House resumed, and adjourned at half-past One o'clock.

HOUSE OF LORDS,

Friday, May 5, 1848.

MINUTES.] *Took the Oaths.*—Several Lords.

PUBLIC BILLS.—1ª Jewish Disabilities.

2ª Indemnity.

Royal Assent.—Election Recognisances.

PETITIONS PRESENTED. From Builders, Plumbers, and Glaziers of the Port of London, against the Navigation Laws.—From the Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for an Extension of the Privileges of the Benefit Societies Act to that Order.—From the Nottingham Order of Odd Fellows, for the Insertion of a Clause in the Provident Associations Fraud Prevention Bill, by which their Surplus Capital may be Invested in the Savings Banks.——From the Mayor and Corporation of Dublin, for a Comprehensive and Equitable Tenant Right in Ireland.—From Streatham, Ewell, and Langton, and several other Places, against the Admission of Jews into Parliament.—From a Number of Persons of the Jewish Religion, and Others, at Edinburgh, and other Places, in Favour of the Jewish Disabilities Bill.—From Treforest, against the Sale of Intoxicating Liquors on Sundays.—From several Charitable Institutions in Ayr, praying to be relieved from the Payment of Legacy Duty.

DIPLOMATIC RELATIONS WITH SPAIN.

LORD STANLEY: My Lords, I now rise, not without some reluctance, in the performance of that which appears to me to be an imperative public duty, for the purpose of calling your Lordships' attention to, and moving for, the production of a correspondence which has been printed in all the public papers of this metropolis, the genuineness of which I wish, though I cannot entertain a hope, that Her Majesty's Government may have it in their power to impugn; the propriety of which I think it will be somewhat difficult to defend and vindicate; but with respect to which it is due to Her Majesty's Ministers themselves and to the country that they should have an opportunity of stating publicly whatever they may be able to state in explanation or extenuation of that which appears to me not to be capable of justification; also I think it desirable that your Lordships should have in your individual, if not in your collective, capacity an opportunity of expressing the sentiments with which the perusal of that correspondence has inspired you. My Lords, I make this Motion in no spirit of hostility to Her Majesty's Government. I am not desirous to add to the many and great embarrassments by which their course has been and is surrounded: for the noble Viscount himself, whose conduct it is my painful duty to be compelled to impugn upon this occasion, I entertain personally no feelings but those of sincere respect and regard. But your Lordships are aware that this is not the first time that I have felt myself compelled to entertain and to express the opinion that the noble Viscount's administration of the foreign affairs of this country has been marked by a spirit and an *animus* which has often led him into the adoption of measures detrimental to the interests of this country, which interests I am sure he is earnestly and sincerely desirous of supporting. My Lords, it appears to me that, upon this occasion, as upon others, there are two ruling and fixed ideas with regard to the administration of foreign affairs of this country which have taken possession of the mind of the noble Viscount. The one, an exaggerated and overstrained jealousy of the influence—as he chooses to consider it, the "rival influence"—of France in the other Courts of Europe and the world; and the other, a morbid desire for interfering and intermeddling, with a view, no doubt, in his judgment, to the promotion of British interests, with those purely internal concerns of other countries which I hold it to be the first duty of a British Minister most sedulously to abstain from disturbing. And when those two objects are combined—when at one and the same time the noble Viscount has had an opportunity of interfering in the internal affairs of another country, and also by that interference of establishing an English party and English influence, in opposition to a French party and French influence, the temptation has at all times been found by the noble Viscount to be absolutely irresistible, and in such a case there can be no hope that he will abstain from such interference. For my own part, I have not been brought up in the diplomatic school, and perhaps do not look with that reverence and respect with which I ought to look upon several of those points which appear to be the principal objects to which the efforts and sometimes the intrigues of Ministers in foreign Courts are directed. I do not consider, though I know that many of them do—I do not consider that it can be a matter of serious import to the permanent influence or interests of this country that one Minister should be sup-planted by court intrigue, or by the influence of a foreign party in another country; least of all do I consider that it can ever be for the advantage or for the permanent interests of this country, that the resignation of one Minister, or the appointment of another, should be owing to the open intervention, and much less to the secret intervention, of the British Government. I know no interest which this country has to promote in foreign courts by such means; I know no advantage that is to be gained by the admission of what is called "British influence." I do not for a moment hesitate to admit the great importance to this country and to the world that we should maintain friendly relations with all the principal courts and countries of Europe. I do not hesitate to admit the great importance of our being on such terms with all the leading Powers of Europe and the world, as that our motives should not be misconstrued; that our prosperity and well-being should not be looked upon with jealousy and suspicion; or that our intervention, when a necessity should arise, should be looked upon with disfavour: but I believe, with a full desire to maintain and uphold British influence in the courts and countries of Europe, that that influence is best maintained and upheld by abstaining sedulously and carefully from interfering in any the slightest degree with the purely domestic concerns of other countries. And, my Lords, if that be true of any country—if it be true of every country—I say that it is emphatically and peculiarly true of that country to which my present Motion most particularly refers—that it is most particularly true of the most jealous and the proudest country in the world—that it is most emphatically true of Spain. My Lords, I know of no interest that this country has except that the other nations of the world should be wealthy, flourishing, peaceful, contented, increasing in commercial prosperity, and able thereby to tend to our own prosperity and advantage as a commercial people. It ought to be known, my Lords, we have no ambition for foreign conquest—we have no desire to extend the sway of our empire, which is already wide enough to satisfy the wildest ambition. We desire to be respected and looked up to—we desire to conduct our own affairs to the honour and prosperity of our country; but we have no desire, at least we ought to have no desire, to interfere with the internal arrangements of other countries. My Lords, in the course of the last Session of Parliament, I took the liberty of calling your Lordships' attention, and of stating the objections which I entertained, to the interference which Her Majesty's Government had thought it wise and prudent to interpose in the internal affairs of Portugal. Your Lordships did not concur, indeed, in the objections which I entertained, and which I then ventured to express; but forgive me if I say that the subsequent course of affairs in that country have not shaken the opinions which I then entertained, but have, on the contrary, gone far to confirm some of the predictions which I then took the liberty to hazard. It is true that by your intervention you put down an insurrection in Portugal—it is true that you established the Sovereign of Portugal on her throne—and it is true that the ground of your defence of that interference was again jealousy of the intervention of France; for we were told that if we did not interfere in the affairs of Portugal, France and Spain would interfere without us. My Lords, I ventured to doubt the fact—I ventured to doubt whether France had the slightest idea of interfering in the internal affairs of Portugal; and I felt no doubt whatever, if, in compliance with the obligations of treaties, you had declared to Spain that you would not tolerate her interference with Portugal, that that declaration would have met with that respect from Spain which it would have had a right, to command. But, my Lords, that intervention restored the Sovereign of Portugal, and at the same time you declared to the people of Portugal that you guaranteed to them, upon the faith of England, certain conditions, certain constitutional rights, for which those people were then successfully in arms. I ask your Lordships, I ask Her Majesty's Government, can they say that those guarantees have been acted up to? Can they say that the Queen of Portugal has fulfilled the engagements upon the condition of which she gained the support and armed intervention of England? and I ask whether you can say that by that intervention, accompanied as it was by considerable expense—happily by no expense of blood, but by considerable expenditure of money in transmission of forces to Spain, and attended as it was by the sacrifice of constitutional principles—I ask whether the result has been that you have increased your influence in Portugal, or added to the favour with which this country was regarded by the people of Portugal? Why, my Lords, in the course of the present Session of Parliament you have done nothing but interfere. I speak not of Greece, because the circumstances of that country, and the position in which it stands in relation to France and this country, are very peculiar; but I will venture to call your Lordships' attention to your interference and its result in the case of the States of Italy. Her Majesty's Government thought it right to despatch a Privy Councillor to Italy, and Her Majesty was consequently deprived of the advice of that noble person; but we were consoled for his loss by being told that whilst all Italy was in a state of fervid excitement, Lord Minto was to be the presiding genius; that he was to be the man "to ride on the whirlwind and direct the storm;" that he was the person who, armed with the authority of England, was to control and moderate the violent spirits of Italy; that he was the person to prevent the effusion of blood; that he was the person who was to watch over the constitutional rights and the growing liberties of Italy, and to take care that they did not pass beyond the limits which you, in your wisdom, had determined for them. I ask, what has been the result of that mission? Do you believe that your influence in Italy has been increased by it? Do you believe that you can point to one part of Italy and say, if it were competent for you to form a judgment of the limits to which Italian liberties should be carried, that you have possessed the power, either with the princes or the people, to fix those limits or to guide the storm which has been raised? I admit that it was not the desire of Her Majesty's Ministers that the kingdom of the Two Sicilies should be separated by a civil war. I know not, indeed, what British object was at stake; I know not what it mattered to British interests whether there should be one, or two, or no Parliament at all, administering the affairs of the kingdom of Naples. I know no British interest which was to be affected, or to be improved there; yet there you have thought fit to interfere; and, in the presence and under the mediation of your Ambassador, sent specially, and accredited, as he was stated to be, to all the Sovereigns of Italy, excepting only the Court of Rome, what are the results that have been obtained? A constitution has indeed been extorted from the King of Naples, with regard to his Neapolitan territory—a free, liberal constitution, forsooth—of which one of the leading articles, adopted under the mediation, and I presume with the sanction, of the British Minister, was this, that in the Neapolitan dominions, under the new liberal constitution, no religion but the Roman Catholic should be tolerated. In the presence of your Ambassador Sicily has revolted, and is engaged at this moment in a successful civil war against a King to whom your Ambassador was accredited. I presume that was not by your desire, or with your advice, but your influence has manifestly failed to prevent it. To Rome the noble Earl was not accredited, as there were certain diplomatic constitutional difficulties which stood in the way; and, if I mistake not, for the removal of those difficulties your Lordships were told, two months ago, that the immediate passing of an Act was necessary, and that it was unreasonable to ask for even a week's delay in this House in the removal of those diplomatic constitutional difficulties which it was so indispensably necessary at once to remove. If it were so, some change must have come over us since, for from that time to this I have heard no more of it. In the other House of Parliament I have heard no voice raised with regard to that Bill, which the Government assured us it was so necessary for us to pass without delay, but which necessity, I thought at the time, scarcely could be proved. To the See of Rome, however, if the noble Earl was not accredited, at all events your advice and influence extended. You thought it necessary to warn the Emperor of Austria against the invasion of your faithful Ally the King of Sardinia. You thought it necessary to say, that such an invasion would not be looked upon by this country with indifference; and you say that you have held similar language to your faithful Ally the King of Sardinia with regard to the invasion of, or the interference with, other countries; yet it does so happen, though all the influence of the British Government is now in Italy accredited to and advising every State in Italy, that, contrary to your advice, and to that which you declare to be essential to the maintenance of public liberty, the King of Sardinia, the Pope, and the Grand Duke of Tuscany, one and all, in the presence of your Ambassador, are actively engaged in an unprovoked invasion of a foreign and friendly Power. That is the result of your intervention in Italy—there is the consequence of meddling with matters purely Italian—there is the result of your mission, and of the cries and *vivas* for Italian independence. And do you believe that whilst your advice has been slighted in Italy, and your influence has not prevailed in carrying your own views into effect—do you believe that you really have established yourselves in the minds and affections of the people of Italy in such a manner as to give you any weight in future political or commercial negotiations with that country? I confess, my Lords, that I doubt it exceedingly; and I firmly believe that the greatest danger which at this moment threatens the peace of Europe would arise from Austria—temporarily, at all events—succeeding in re-establishing her power in a portion of the Milanese dominions; and if Austria should so succeed, it is not to you, the moderators of the storm, and the directors and controllers of the liberties of Europe, that the Milanese will have recourse. You will be outbidden in the race of popularity. It is not to you that revolutionary Italy will turn, but to that Republican France which does not hesitate to declare her sympathy with oppressed nationality. It is to her, and not to you, that in such an event application will be made; and whatever popularity with the revolutionists of Italy you may think you have gained, by fomenting and encouraging them in their attemps to obtain a more liberal form of government, that popularity will at once be lost with that class the moment you cease to go the full length which they desire, and it will be embraced by the first nation which is willing to do that from which you shrink. My Lords, I make these observations because I see in the correspondence to which I am about to call your attention a continuance of the same system of interference in matters in which you have no concern whatever, by which you only wound the pride of the nation with which you interfere, and by which, so far from promoting British interests and British influence, you actually are countervailing your own intentions, you are damaging and defeating your own legitimate influence, and probably giving an influence in those countries to the very Power against which you seek to establish yourselves. Now, I have said that if such an intervention and course of proceeding are obnoxions to any country, they are peculiarly so to a country like Spain; and I believe I might add, that if there be one man in Spain who possesses more of the proud and sensitive feelings of a Spaniard than another upon the subject of foreign intervention and foreign dictation, that man is the very Minister to whom the noble Lord the Secretary for Foreign Affairs has thought fit to address that very short and pithy letter to which I am about to call your Lordships' attention. I am about to read that letter to your Lordships; and you will observe that the noble Viscount does not think it necessary to use any circumlocution of language—that he does not think it necessary to preface the demands which his Minister is instructed to make by any phrase which might have a tendency to render the substance of that letter appear a little less discourteous. The noble Viscount proceeds at once *in medias res*, and on the 16th March, from the Foreign Office, if this letter be genuine, he is supposed to have used this language:—

"TO THE RIGHT HON. HENRY LYTTON BULWER,

"Foreign Office, March 16, 1848.

"Sir—I have to recommend you to advise the Spanish Government to adopt a legal and constitutional system. The recent downfall of the King of the French, and of his family, and the expulsion of his Ministers, ought to indicate to the Spanish Court and Government the danger to which they expose themselves, in endeavouring to govern a country in a manner opposed to the sentiments and opinions of the nation; and the catastrophe which has just occurred in France is sufficient to show that even a numerous and well-disciplined army offers only an insufficient defence to the Crown when the system followed by the Crown is not in harmony with the general system of the country.

"The Queen of Spain would act wisely in the present critical state of affairs if she were to strengthen her Executive Government by widening the bases on which the administration reposes, and in calling to her councils some of the men in whom the liberal party places confidence.—I have the honour to be, &c.

"PALMERSTON."

I know not, my Lords, what your Lordships may think of this extraordinary production; but I confess that the oftener I read it, and the more I consider it, the more am I at an absolute loss to understand what possible views the noble Viscount could have proposed to his own mind, what imaginable motive he could have had, or what conceivable effect he anticipated in writing such a letter. I know not which most to condemn—the subject, peculiarly domestic, upon which the interference took place; the arguments, peculiarly offensive, by which that interference is supported; or the tone, of not usual courtesy, in which the recommendations of Her Majesty's Foreign Secretary are conveyed to the Minister of an independent Government. But, my Lords, we should not do justice to this production if we looked at it by itself, without reference to the position in which Spain and England, and more especially the existing Minister of Spain, our Ambassador to the Court of Spain, and our Secretary of Foreign Affairs, have stood for a period of twelve months; nor without looking, moreover, at the condition in which Spain stood at the particular moment. I will venture to say, and I will prove it to your Lordships, that the position of Spain at that particular moment rendered interference (at all times—indecent I was about to say, but — unfitting), peculiarly inappropriate at the time and under the circumstances. I must, in relation to this part of the subject, be permitted to carry your Lordships back to the period when my noble Friend (the Earl of Aberdeen) quitted office. That was at a time when negotiations were going on which were then considered of the greatest importance for the future peace and tranquillity of Europe, relative to the marriage of the young Queen of Spain. I shall not attempt to conceal from your Lordships or from myself that at that time, and before the noble Viscount (Viscount Palmerston) succeeded to the administration of Foreign Affairs, there were in Spain two great parties, one of which was supposed to be more or less in the interest of England, and the other more or less in the interest of France. I do not deny that the interests of France and England, with regard to the immediate question, appeared to be somewhat different; but I will venture to say that at the moment when my noble Friend (the Earl of Aberdeen) quitted the Foreign Office, there was the most perfect and cordial harmony upon that subject between the Governments of England and France. There was, on the part of both Governments, a determination to press no pretensions which, whether justly or unjustly, might offend the susceptibilities or exite the national jealousy of the people and Government of Spain; and I believe that if my noble Friend had continued in office, that difficult negotiation would have been terminated to the perfect satisfaction of both one and the other, and, moreover, to the effectual maintenance of the peace and tranquillity of Europe. Unfortunately, the noble Viscount succeeded to office; and from that moment—it might be his fault, or it might be his misfortune—instead of a mutual and frank understanding between the two Governments, jealousy, mistrust, misapprehension, and a want of confidence, took the place of cordial understanding and unreserved communication. The French Government believed, rightly or wrongly, that the noble Viscount had ulterior objects in view, and that he was disposed to depart from any arrangements the basis of which had been established between themselves and my noble Friend; the Government of France, therefore, thought themselves at liberty to depart from those arrangements too. Thus, under the influence of joint misunderstanding and mistrust, the noble Viscount found himself outwitted by the Government of France; and he was not very moderate in the expression of the resentment he felt at having been so outwitted. I am not about to enter into a discussion upon the merits of the arrangement, or the policy to which it led. I am not about to express any approbation of it. On the contrary, with the noble Viscount, I reprobate the policy by which the happiness of the young Sovereign of Spain, and of Spain itself, was sacrificed to the view of supporting the interest and enouraging the aggrandizement of a particular dynasty. It would be useless to go back to those circumstances; and doubtless it would be also ungenerous to advert to them at a time when the dynasty so sought to be aggrandized by admission into another supplementary kingdom, has, by the retributive hand of Providence, been not only deprived of that sovereignty, but of the very throne on which it was thought by itself and Europe to be permanently established. Connected with this matter, there is, however, one topic to which I shall advert, because I hope that I shall obtain an authoritative contradiction from Her Majesty's Government of a rumour which I would fain believe to be unfounded. The rumour was, that when the Infanta of Spain, the Duchess de Montpensier, a refugee from the country of her adoption, took refuge in this country, and it was intended that from this country she should return to that which was her natural home, objections were raised on the part of Her Majesty's Government; and that that opportunity was taken for showing resentment at that marriage—that objections were taken to the direct passage of the young Infanta, in her peculiar situation, to Spain. I would fain hope there is no truth in this rumour. Whatever might have been the objections to that marriage, whatever the objections to a union in defiance of treaties, or too great affinity between the Crowns of Spain and France, circumstances had, in the meantime, removed our objections upon the grounds of policy and prudence. And whatever might have been the previous conduct, I can never cease to think, if any objections were then made, that it was a golden opportunity lost for pursuing a course at once generous and frank from this country towards the sister of the Queen of Spain returning to her native land, a refugee from the country of her adoption, by not expressing disapproval of the elevation of the Duke de Montpensier to be her husband. I say, then, that from the moment of that marriage, although Narvaez was not Minister of Spain at that time, there was the greatest jealousy existing between the Government of England and the Government of Spain. Whether truly or falsely I know not, but the Government of Spain was supposed to be under the influence of the Moderado party —the party of France; and, whether truly or falsely, it was believed by the Government of Spain, the existing Government of Spain, that the Government here, and the representative of it at Madrid, were politically mixed up and connected with their opponents, the Progressista party, by whose assistance they were desirous of overthrowing the existing dynasty. I ask, then, with this impression upon the mind of the Government of Spain (whether it be well founded or not, that it existed there is no doubt), did it not occur to the noble Viscount at the head of Foreign Affairs, that of all persons to give advice with regard to the management of the internal affairs of Spain, and as to the adoption of any particular course by an independent Government, he, from his supposed connexion with the Progressista party, should have been the very last person to offer it? Did it not occur to him that there was a possibility of its not being received? Did it not occur to him that if he wished to render that possible which was before impossible, he should have conveyed the intimation of his desire through some other medium less likely to be offensive than that of Mr. Lytton Bulwer, our Minister at Madrid? Even if the two Governments had been upon the most friendly, instead of the most cold and hostile terms—even if the despatch had proceeded from one who was believed to have the interest of Spain deeply at heart, I cannot conceive how such a letter—so addressed, so worded, and so communicated—should not offend the susceptibilities and wound the natural pride of Spaniards. "I have to recommend you to advise the Spanish Government to adopt a legal and constitutional system!" Why, what right has England to advise Spain to adopt a legal, a constitutional, or any other system? What right has this country to interfere with the Government of Spain, and to assume that the people of Spain are not satisfied with the Government under which they live? What right have we to interfere if the people of Spain chose a republic, a limited monarchy, or an unlimited monarchy, or an absolute despotism? And what are the motives assigned by the noble Viscount for tendering this advice? The extinction of domestic jealousies and the introduction of harmony among different sections, for the purpose of promoting the welfare and the prosperity of Spain? No, none of these; but the motive on which the noble Viscount recommends his advice is the basest which can possibly be suggesed to a high-spirited Government, for it refers to their fears, and tells them that they ought to adopt the course which he points out, lest they, too, should partake in that fate which he characterises as "the recent downfall of the King of the French, and of his family, and the expulsion of his Ministers." "These," he says, "ought to indicate to the Spanish Court and Government the danger to which they expose themselves"—not the "country," but "themselves"—"by endeavouring to govern a country in a manner opposed to the sentiments and opinions of the nation;" that is, according to the system which they thought just, wise, and expedient. If the words of this letter had not been offensive —if the means of its communication had been the most friendly possible—if the object had been most legitimate, to recommend that object by references, not to the advantage of the country, but to the possible personal danger threatening those who ventured to disregard the advice—against this kind of advice every high and honourable mind would naturally rebel. But the fact is, that at the moment this advice was tendered, there was no sort of occasion for giving it. I know not what led the noble Viscount to think that moment peculiarly appropriate to convey to the Spanish Government his views with regard to the party in power, and to express his opinion that if the Queen of Spain widened the bases on which the administration reposed she would strengthen her

Executive Government. But the fact is, as stated in the answer of the Duke de Sotomayor, that at the period at which the noble Viscount wrote, there was not the slightest indication of discontent or dissatisfaction. No doubt there had been discontent and dissatisfaction: that the existing Government had put down; but at the moment the noble Viscount wrote, there was no violation of legal or constitutional rights. The Cortes were in full and free sitting; the press was entirely free; there was no exceptional law in operation; and according to the laws and constitution of Spain all was regular. Many might be of opinion that the constitution was not sufficiently liberal; but at the moment at which Lord Palmerston thought fit to address this emphatic, terse, and decided recommendation to the Spanish Government to adopt a legal and constitutional system, the Government of Spain was walking strictly in the path and according to the letter of the constitution and law of Spain, and had exhibited no intention of violating either the one or the other. You find, then, that this document has been certainly ill-timed and inappropriate. It appears, however, that circumstances had materially changed between the period at which the noble Viscount wrote the letter, and the period at which it was presented to the Spanish Government. It is dated the 16th March. As your Lordships are aware, on the 24th March, after the date of this letter, and consequently after the time at which the noble Viscount thought it necessary to warn the Government of Spain of the dangers to which they exposed themselves in endeavouring to govern the country against the sentiments and wishes of the nation, stimulated no doubt by the example of a successful revolution in France, there was an *émeute* in Madrid, and an insurrection against the existing Government. But so far from that insurrection threatening the Government of Spain with any greater danger than your Lordships were threatened by the Chartist movement on the 10th April, it was put down with very little loss of life, and with very little difficulty. It was effectually subdued. The Spanish Government, therefore, had surmounted the dangers to which the noble Viscount, on the 16th March, thought it necessary to advert. Your Lordships will pardon me for adding, that I do not understand what was the cause of the delay which took place on the part of Mr. Lytton Bulwer in communicating to the Spanish Government the instructions he had received. Those instructions were certainly received by Mr. Bulwer about the 23rd or 24th March, about the very period at which the insurrection broke out, and which the Government subdued; but it was not delivered till some time afterwards. Mr. Bulwer, I think, might have hesitated, under the circumstances of an insurrection having been put down. The observations of the noble Viscount were indeed singularly inappropriate, and, under the altered circumstances, he might have waited for fresh instructions. Whether fresh instructions reached him in the meantime I know not; but, at all events, it was not until the 7th of April following—not till three weeks after the letter had been written, and a fortnight after its receipt — that Mr. Bulwer addressed to the Spanish Government a letter in fulfilment of the directions he had received from the Secretary of State for Foreign Affairs, to which I will now venture to direct your Lordships' attention:—

"TO HIS EXCELLENCY THE DUKE DE SOTOMAYOR.

"English Embassy in Spain, Madrid,
April 7, 1848.

"Sir—I enclose for your Excellency the copy of some remarks which Lord Palmerston has lately addressed to me; and I cannot but express to you all the desire which I feel that the Government of Her Catholic Majesty should deem it fit to return without delay to the ordinary forms of the Government established in Spain, by convoking the Cortes and by giving them explanations calculated to efface the impressions occasioned, both in the kingdom and abroad, by the arrest and apparent intention to banish several citizens (amongst whom are to be found some of the most distinguished members of the Cortes), and who up to the present moment have neither been tried nor accused of any offence.

"Your Excellency, will, I am sure, permit me to remind you that what especially distinguished the cause of Queen Isabella from that of her royal competitor, was the promise of constitutional liberty inscribed on the banner of her Catholic Majesty.

"It is certain that that circumstance powerfully contributed to obtain the sympathy and support of Great Britain in favour of Her Majesty, and consequently your Excellency cannot be surprised at the sentiments which I express here, supposing even that the general situation of Europe, and the universal tendency of public opinion did not prove most clearly, that at present the firmest guarantees of a throne are to be found in the national liberty, and in the enlightened justice which are dispensed under its authority.

"I avail myself of this occasion to renew to your Excellency the assurance of my highest consideration. "H. L. BULWER."

Here the British Minister applies himself to the Government of Spain, which had just then succeeded in putting down an insurrection, and expresses his opinion as to the time and circumstances under which the Cortes should be convoked, exceptional measures revoked, and explanations given. Let me ask your Lordships to imagine what would be the indignation of every man in this country—what would have been the indignation of your Lordships—if our own Government had been so appealed to? You have just passed a temporary Bill restricting the liberty of the subject in Ireland. What would your Lordships say if any Foreign Minister in this country were to presume for one moment to address a letter to the Prime Minister, and tell him that in his own judgment it was most expedient to revoke that exceptional measure; and that now that the Chartist insurrection had gone into nothing, and the Irish threatened insurrection had even more ludicrously failed, it was the opinion of his Government, of France, Spain, and others, that the time had come for a return to the ordinary course of the law? You departed from your usual policy in that one instance very wisely and prudently. When it pleased the people of France to change their form of government, and substitute a republic for a monarchy, I cannot believe that that change commanded the sympathies of Her Majesty's Government; I cannot believe they looked with favour upon that change as likely to tend to the advancement of the internal prosperity of France, or the security of the peace of Europe. But what did you do? Why, without hesitation, you admitted the right of each country to choose its own form of government. When France changed from a monarchy to a republic, you at once acknowledged the republic as a change with which you had nothing to do; you dealt with the Government *de facto*, and declined to express any opinion upon the changes which the people of France had thought fit to make. It is perfectly possible that Her Majesty's Government might not view with favour the conservative Administration in France which preceded the Republic; but did the noble Viscount, or any other Member of the Government, ever dream of sending an intimation to M. Guizot, that in their judgment the King should widen the basis on which his Government rested, by the admission of M. Thiers and M. Odillon Barrot? If they had ventured to address any French Minister on such a subject, it is not necessary for me to suggest what would have been the probable tone of the reply; and I doubt whether a British Minister accredited to France would ever be found ready to communicate such a message. What, then, is the ground upon which you sanction the principle of non-interference with regard to France? You loaded with an extravagant, or at all events a sufficient, amount of praise the answer which M. Lamartine gave to the deputation from Ireland; you applauded the determination of the Provisional Government of France not to interfere in the affairs of this country; and you expressed your determination not to interfere with the affairs of the Provisional Government of France. Why, then, I would ask, do Her Majesty's Government act so differently to France from what they do to Italy, Portugal, and Spain? Is it because France is great and powerful, and because Italy, Spain, and Portugal are weak? Is it because it was safe to interfere with the one, and not so safe to interfere with the other? I know not to what to attribute the inconsistency in the course the Government are pursuing, if not to that motive. I think the tone of Lord Palmerston's note was sufficiently offensive to the pride and dignity of Spaniards; but there are one or two circumstances yet remaining to be stated in order to fill up the cup of indignity and offensiveness. I have referred already to the motives on which Lord Palmerston founded his recommendation to the Ministry of Spain. Listen to the motives on which Mr. Bulwer, in supporting that recommendation, rests his advice to the Crown of Spain to return to constitutional courses:—

> "Your Excellency will, I am sure, permit me to remind you, that what especially distinguished the cause of Queen Isabella from that of her Royal Competitor was the promise of constitutional liberty inscribed on the banner of Her Catholic Majesty. It is certain that that circumstance powerfully contributed to obtain the sympathy and support of Great Britain in favour of Her Majesty; and, consequently, your Excellency cannot be surprised at the sentiments which I express here, supposing even that the general situation of Europe and the universal tendency of public opinion did not prove most clearly that at present the firmest guarantees of a throne are to be found in the national liberty and in the enlightened justice which are dispensed under its authority."

It may be that the fact which especially distinguished the cause of Queen Isabella from that of her competitor, was the liberal principles and the promises of free government held out by the one, as compared with the other; and that these enlisted the sympathy of the British Government in her favour. But a British statesman has no right in such matters to be guided by his sympathies. He is bound to act upon principles of right and reason, and not upon his fancies or theories, or predilections which he may entertain for one particular form of government over another. But granting it to be the case that the Queen of Spain is indebted for her throne to the co-operation and assistance she derived from England; the Queen of Spain, if she has a single grain of spirit in her, would forfeit that aid and the throne itself, if for the assistance so given we were admitted to dictate to her in the exercise of her independent administration of the affairs of her own country. It was, to say the least, ungenerous, unwise, impolitic, and offensive, at such a moment and in such a case to press compliance with the wishes of the British Government upon the ground that the throne of the Queen was secured owing to the support of British arms. This country rendered greater services to Spain than that, under the conduct of my noble and gallant Friend (the Duke of Wellington). It was not, however, to support either one party or another; it was not to support this or that Minister, or this or that interest, that Great Britain poured forth her treasure and her blood like water. It was to secure the safety of a people struggling in war for their national independence; it was to rescue Spain from foreign aggression, and place her, as we wished to see her, in the position of an independent and powerful nation. I think I know my noble and gallant Friend well; and I will venture to say that, sooner than avail himself of these splendid services—compared with which the assistance to Queen Isabella was as a straw in the balance—to obtain compliance with some British object by a reminder of those services, my noble and gallant Friend would have cut off his right hand. To make this offensive communication more offensive still, there was another extraordinary circumstance, which I hope is capable of explanation. I confess that I cannot understand it. If we are to believe the Duke of Sotomayor it would appear, that whilst there was this delay in acting upon the instructions of the Minister for Foreign Affairs, and communicating the advice he was desirous of giving, there was also a violation of all official etiquette, not to say of common courtesy, by communicating it first to the Spanish people through the medium of the Spanish press. If we are to believe the statement of the Duke de Sotomayor, before that communication was made to him he was aware of it by its publication, in substance, if not *in extenso*, in a Spanish newspaper, and that newspaper notorious for its opposition to the existing Government. This, my Lords, may have been owing to carelessness or gross negligence. I trust it was nothing worse. At all events, your Lordships will not be surprised that—coupled with all the circumstances to which I have referred, addressed at such a time and under such circumstances, to perhaps the proudest and haughtiest Minister that Spain ever saw—this additional circumstance tended to confirm a belief in the mind of the Spanish Government that the British Minister was engaged in an intrigue against the existence of the Government to which he was accredited. That, I think, may reasonably excuse the language which the Duke de Sotomayor has held in his note, which I hold in my hand. I will not read that note. I have read it myself, and I am sure that your Lordships have also, with feelings of shame and regret to think that in consequence of such an uncalled-for and most unjustifiable interference, the noble Viscount should have brought down upon himself, and through him upon this country, such a rebuff as, I believe, no Foreign Minister was ever compelled to submit to before—to think that a despatch which had been communicated to a foreign Minister by order of our Foreign Secretary should be returned as unworthy of the sender, and as inconsistent with the dignity of the people to whom it was addressed; and with a further declaration that if, at any other time, communications of a similar kind should be made, those communications will be returned unnoticed and unanswered.

> "Pudet hæc opprobria nobis
> Et dici potuisse, et non potuisse refelli."

My Lords, we cannot, because we ought not, to resent this language. Strong as it may seem, it is no stronger than we would have applied in our own case to any Minister who should venture to insult us in the way our Minister for Foreign Affairs has insulted the Government of Spain. I know not what course Her Majesty's Ministers intend to pursue on this subject. I can well believe that this correspondence was not communicated to the Cabinet previous to its being sent off. I will do the noble Lord at the head of the Government the justice to believe he had not seen it. I do not believe that either the noble Marquess (the Marquess of Lansdowne) or the noble Earl (Earl Grey) saw it before it appeared in the papers. I cannot, therefore, believe that Her Majesty's Government are prepared to take upon themselves the personal and individual responsibility of lending their sanction to the language and tone of the letter to which I have called your Lordships' attention. Still less do I believe that it was more than a fortuitous coincidence, that just at the moment this communication was made, and this answer received, Mr. Henry Lytton Bulwer's name should have appeared as the recipient of a high and distinguished honour on the part of Her Majesty, in conferring upon him the decoration of the second class of the Civil Order of the Bath. I do not believe this was intended. [The Marquess of LANSDOWNE: No!] I rejoice to hear it, and I hope the explanation will go forth to the public in order, so far at all events, to satisfy the people of Spain, that it was not an honour conferred for the purpose of marking Her Majesty's sense, and the sense of the Government, of the course pursued by Mr. Bulwer. What further course Her Majesty's Government may pursue—what notice, if any, they will take of the letter of the Duke of Sotomayor—whether Mr. Lytton Bulwer is to continue his functions at a Court where his advice is so peculiarly unacceptable—I shall not attempt to divine. I do venture, however, to express my belief, without knowing whether it be consistent with diplomatic usage or not, but knowing what course a man of honour in private life would take under such circumstances, that the course most worthy of a great nation to take would be a frank and fair admission that the interference was unwarrantable, the advice undeserved, and to at once withdraw the offensive expressions. I believe, in such a case, you might safely trust to Castilian honour and Castilian generosity for an immediate and an unequivocal withdrawal of all that might be offensive in the reply which the Duke of Sotomayor felt it his duty to make. I have now to move, in terms of my notice, for copies of the correspondence between Her Majesty's Secretary of State for Foreign Affairs and the Government of Spain. I have thought it the most convenient course to bring this question before your Lordships by moving for these returns, rather than make it the subject of a substantive proposition; but if Her Majesty's Government feel that there is any risk of injury being done to the public service by the publication of those papers—if they think their production could interfere with the amicable settlement of this affair, and would diminish the probabilities of bringing about a better understanding between the Courts of Spain and of this country in reference to this unfortunate misunderstanding, the noble Marquess has only to intimate that such is the opinion of Her Majesty's Government, and I shall abstain from pressing for the production of the correspondence, which, so far as it has found its way to the public eye, I have read with feelings of regret and of shame for the position in which it has placed the Government of this country.

The MARQUESS of LANSDOWNE: My Lords, I do not mean to follow the noble Lord at length through the lively comment in which he has conveyed his views upon this subject to your Lordships. Indeed, I might dispense with entering into any lengthened reply on those topics to which he has referred, inasmuch as I have been commanded by Her Majesty to lay on the table of your Lordships' House, on this day, the very correspondence which forms the subject of the noble Lord's Motion. I might, therefore, without any disrespect to the noble Lord, or without any disrespect to this House, abstain altogether from any observations on the speech of the noble Lord, and refer your Lordships at once to these papers which I am about to lay on the table, and which will be immediately in your Lordships' hands, and will speak for themselves in giving the most perfect elucidation of all the facts which the noble Lord has made the subject of his comments. But I do owe it to the character of Her Majesty's Government—I do owe it to the importance of placing this transaction in its true and correct light—not to allow this occasion to pass away without some observations on what has fallen from the noble Lord, and without, in some way, putting your Lordships in possession at once of the correct state of the facts, as they will be found to exist from the papers which I now lay before you. It is quite true that a communication was made at the period mentioned—the date the noble Lord has correctly stated—by my noble Friend at the head of the department of Foreign Affairs, to Mr. Bulwer, the Minister from this country at the Court of Spain, on the subject of what appeared to be the internal state of that country. But here, in the very outset, the noble Lord sought to give effect to his statement, by alleging, with great emphasis, that this was a communication ordered to be made directly to the Spanish Government. My answer to that is a simple denial. The letter was not ordered to be communicated to the Spanish Government. It was a communication made by my noble Friend at the head of the department for Foreign Affairs, to the representative of Great Britain in Spain, instructing him as to the language which he was to hold in his communications on the internal affairs of that country with the Spanish Government. But how was he directed to hold that communication? The noble Lord has been led astray by his ignorance—a very natural ignorance under the circumstance—of the real state of matters, because he has been guided, doubtless, in making his statement, by the version which he has seen in the public prints of this transaction. Now, these instructions to Mr. Bulwer have been undoubtedly published, I know not how—I know not by what means they were communicated, or by what authority they got into the French newspapers; but I apprehend that the noble Lord had other means, in making his statement, of knowing the contents of them except through that publication. In that version the document has been given nearly verbatim, with the exception of a few words. But these few words make the whole difference on the charge which the noble Lord has brought forward. It is, as the noble Lord well knows, easy by omitting a few words, or by adding a few words, to alter very materially the sense and colour of any document; and in a public despatch a very slight omission or admission, indeed, may alter the whole letter, character, and sense of that despatch. We all know that for the purpose of getting up a grievance, or of showing one under any Government, it is not unusual—and there are great artists in those matters—to put in words, or to suppress words that alter a document or statement, which shall pretend to explain words in one case, or are necessary to its correct understanding in the other; and even in transactions between Government and Government, it is not uncommon to give a colour that is desired to a transaction by omitting particular portions. I do not know who the persons may have been who have so acted in this instance. I am far from believing that the Duke of Sotomayor himself had any part in making the document public—I believe him to be incapable of any such act; but whoever was the correspondent of the French newspaper, a version of the despatch was published, which by the suppression of a few words had the effect of creating an impression that the despatch was directed to be laid before the Spanish Government, and of inducing such a construction as has been put upon it, but which is not at all borne out by the words of the original despatch. Your Lordships, when you come to see that despatch, will find that it sets out directly, and in very explicit terms, by directing Mr. Bulwer to convey his sentiments to the Spanish Government when an opportunity occurred for so doing, thereby directly contradicting the assertion that it was intended that the despatch should be laid before the Spanish Government. My noble Friend near me (the Marquess of Clanricarde) adds, that the despatch was marked "confidential;" but whether that were so or not, the manner in which the document opened obviously implied that it was not to be conveyed to the Spanish Government, but that it was an instruction for Mr. Bulwer's private guidance alone. Then, I say, that these expressions, on which the noble Lord dwells so much, need not have been scanned with that rigorous accuracy, with that care and consideration, which, I admit with him, would be due in a communication made directly, I will not say to so proud a Government as the noble Lord says that of Spain is, but to any Government, because towards any Government, great or small, proud or humble, it is right that we should address our communications in the terms of respect that are consistent with the maintenance of those relations which the law of nations and the law of policy prescribes from one State towards another. But I say, this despatch was intended, as will appear to your Lordships if you look into the papers that are laid before you, obviously for Mr. Bulwer's individual guidance; and this obviously explains that which the noble Lord thinks requires explanation, viz., the omission of Mr. Bulwer to transmit this note at the date when it was received. Mr. Bulwer chose the moment which he thought most proper for laying the instructions which he had received before the Spanish Government, as he was directed to do; had he been ordered to communicate it, he would have done so the next day. I will not say that he absolutely followed the instructions which he received, because he certainly did more than the language of the despatch pointed out, by communicating the very expressions that had been used by my noble Friend to himself. The noble Lord will ask, why were those instructions communicated to the Spanish Government in that precise form? I am quite prepared to say, that, framing my judgment in this country, and ignorant of the precise position in which Mr. Bulwer found himself, I do lament that in the exercise of what Mr. Bulwer thought a sound discretion, he should have forwarded that communication to the Spanish Government. Mr. Bulwer, doubtless, acted on his own judgment. I have no means of knowing all the circumstances that prompted a most able and meritorious public servant—well acquainted with the country in which he had lived for years, and with the policy of that country—to take that step; and in the absence of such knowledge, I feel that I have no right to condemn any decision to which he has come in the exercise of his discretion. But the communication of this despatch was the exercise of a discretion left to him, on the part of Mr. Bulwer, and it was not the result of any directions from any noble Friend at the head of Foreign Affairs. Therefore, all the imputations cast upon my noble Friend on the subject fall to the ground. When we come to another part of the noble Lord's observations—I mean with regard to the interference of this country in the affairs of Spain—what do we find? I beg to call attention to what the nature of that interference is. It consists simply in giving counsel and advice to the Spanish Government—to a Government which has been in the habit of asking the advice and which has frequently sought the assistance of the British Government, and which was therefore undoubtedly in a situation to receive in a friendly spirit any advice that was tendered with a view to its advantage. Was that advice offered in a spirit of hostility to the Government or the constitution of Spain? No. It was given for the purpose of explaining the view which was taken of transactions occurring in Spain by the Government of this country, in order that the Government of Spain might not hereafter be taken by surprise at any course taken by this country—I will not say of hostility to Spain, because hostility to Spain is out of the question—but an interruption of that good understanding with Spain, which Spain herself must feel is essential to her prosperity. I do conceive that the Spanish Government would have some reason to complain, if they, at no distant time, asked for assistance from this country—if, for instance, they were to ask whether the British Government still considered the Quadruple Treaty to be in force, I conceive that in such a case they would have cause to complain if they had not been previously put in possession of the views of this country with regard to steps that we thought had altered their position with regard to us. Would it have been right for us to have waited until the moment when assistance was demanded from us, to refuse the assistance that otherwise would have been given, and which, intimately connected as the noble Lord himself had been with the Quadruple Treaty, he must be desirous of seeing afforded?

LORD STANLEY explained that he had been a party to the Tripartite Treaty, but not to the Quadruple Treaty?

The MARQUESS of LANSDOWNE: The object both of the Tripartite and Quadruple Treaties was to promote a constitutional as opposed to a despotical Government.. When the noble Lord makes a comparison between the two countries, and says, "What should we have thought in England if a demand were made by Spain that Her Majesty should change Her course of domestic policy, or should not put down certain insurrections, or not undertake certain steps that Spain thought necessary?" But does the noble Lord not admit that if Spain had been in the position that we were—indebted to her for assistance and advice—she might very well have tendered her advice to us? And if arbitrary proceedings were taken here—if, for instance, a great number of eminent persons in Parliament, including the noble Lord himself, were to be suddenly arrested, would it for a moment be held that there is the slightest similarity between the right of Spain to interfere in such a case, and that of Great Britain to offer her advice under similar circumstances in Spain? But anything like direct interference has been avoided: the advice offered has not been tendered in any hostile spirit, but under a deliberate and sincere conviction that a liberal course of policy was the best for Spain herself—advice, moreover, which it appears from these papers themselves Spain was at entire liberty to adopt or reject. With regard to the services rendered by this country to Spain, I quite agree with the noble Lord, that it is the last ground on which we should claim any right of interference with that Power. There were some other points in the noble Lord's speech in which I think that he might have spared some of his observations; but there is one point which I undoubtedly feel indebted to him for having mentioned, as it enables me to give it a distinct contradiction. I allude to the supposition which the noble Lord scarcely permitted himself to indulge in, that Mr. Bulwer, previously to communicating this note to the Spanish Government conveying the sentiments of the Government of England, had taken a step which, I agree with the noble Lord, would be most improper in any country—that he had caused the note, or the substance of it, to be printed in a newspaper before presenting it to the Spanish Minister. The only fact on which this allegation can rest is a paragraph which appeared in the *Clamor Publico*, indicating an opinion entertained by them that the British Government would express her opinion on the transactions that had taken place. Why, at the time that this paragraph was published, the note had not been determined on, and had not been written; and I am distinctly authorised, from a statement which has been received from Mr. Bulwer himself, to say, that no intimation whatever with regard to the note, or any intended note, had at the time been given. The paragraph was, in fact, one of those assertions which, right or wrong, newspapers in all countries will sometimes indulge in, and which, in respect to Mr. Bulwer, had on other occasions been most recklessly indulged in. Some of these assertions may turn out to be true, and others to be entirely false. The supposition in the present instance had no foundation but the mere accident of the paragraph being inserted shortly before the note was written; and surely such a ground is not sufficient to found a charge against Mr. Bulwer of the grossest of all improprieties, that of communicating a despatch, not to the party for whom it was intended, but to a hostile press. The character of the charge must be a sufficient refutation; but in addition, and in justice to Mr. Bulwer, I can assure your Lordships that Mr. Bulwer has written to say that he has made no such communication, and what will, no doubt, be considered satisfactory by the noble Lord, I believe that by this time the Duke of Sotomayor himself is fully convinced of the falsehood of this statement, inasmuch as I understand that Mr. Bulwer has recently received a letter from him acquitting him of any such misconduct. But, undoubtedly, the rumour has existed which has reached the ears of the noble Lord, and it, no doubt, originated in some such spirit as conceived the suppression of words in the despatch. In the same spirit has been originated a rumour which formed another of the points to which the noble Lord alluded. It has been confidently asserted that two members of an illustrious family, entitled to the more consideration from the misfortune in which they have been involved, have been treated with disrespect by the Sovereign of this realm. I desire most emphatically to say that no such disrespect was intended—that no such disrespect was shown. Her Majesty's Ministers had no intention of giving any advice to their Sovereign on the subject. In the exercise of that generosity of feeling which belongs to Her at all times, and which has been peculiarly displayed in the present awful situation of the world, in which so many persons, illustrious by their position and by their character, have been forced to resort to this country, Her Majesty manifested towards them only those feelings of kindness and consideration for which she is distinguished. It did so happen that the Duke and Duchess of Montpensier, who had been previously received by Her Majesty, and who had experienced those attentions which were shown by Her Majesty to them, in common with their family, and all those to whom I have alluded, had omitted the usual etiquette observed on such occasions, by visiting Her Majesty at Buckingham Palace, without having given any previous notice of their intention to do so, at a moment when it was not convenient for Her Majesty to receive them. Naturally on such an occasion, and at such an interview, Her Majesty would be accompanied and attended by his Royal Highness Prince Albert, or by the Secretary of State for Foreign Affairs; and it appears that my noble Friend had, in point of fact, been summoned from the Privy Council to appear immediately at the Palace.

LORD STANLEY was afraid that he had been misunderstood by his noble Friend. He never intended to reflect in the slightest degree on the conduct of Her Majesty's Ministers, or upon any one, with regard to the circumstance to which the noble Lord alluded. What he did advert to was, that there had been an objection taken by the Ministry to the Duke and Duchess de Montpensier going directly to Spain.

The Marquess of LANSDOWNE: I certainly understood the noble Lord to allude to a circumstance that has been very industriously rumoured; and I may state to the noble Lord that even if he had not referred to the subject, I fully intended myself to do so, because I conceived that for the honour of Her Majesty and Her Majesty's Government, it was expedient that the most distinct and peremptory denial should be given to these rumours. As to the Duke and Duchess of Montpensier going to Spain immediately from this country, we certainly would have no right to raise any objection to their doing so. I now come to that part of the noble Lord's speech in which he alluded to the general spirit of interference in which Her Majesty's Government, and particularly my noble Friend at the head of Foreign Affairs, as he thinks, are in the habit of indulging. I deny that there exists any spirit of interference on the part of the Government of this country with a view to induce other Powers to alter their form of government, or in any way unduly to interfere with the policy which they may choose to pursue. The only principle of interference that has been acted upon by the Government of this country in the affairs of Spain, or of the world, is to use the weight and the influence which this country has, and ought to have, in the affairs of the world, in whatever way they can be most effectually exerted for the purpose of producing or maintaining the peace of the world. That is the only principle which has governed the foreign policy of this country; and, notwithstanding all that has fallen from the noble Lord—notwithstanding that I perfectly admit with him that the awful consequences of that great change which has taken place in Europe, as affecting the relations between States, have not been, and could not be, resisted by the policy of Her Majesty's Government, or by any interference which the Secretary of State for Foreign Affairs could have exercised; still I do assert, and it is susceptible of proof, that my noble Friend at the head of the Foreign Office has been at various periods, and more especially during the last year, a means of delaying, if not of altogether averting those disputes, and differences, and wars, under the apprehension of which we are now labouring. The noble Lord reverted to the mission of my noble Friend the Earl of Minto in Italy; but when the noble Lord assumes that that mission has been entirely ineffectual—when he assumes that that mission has had for its effect the encouragement of the pretensions of the popular parties, so as to render them more unreasonable than they otherwise would have been in their claims upon the Governments—I can refer, on the other hand, to the testimony of every one of those Italian Governments, to the Grand Duke of Tuscany, to the King of Sardinia, to the Pope—as far as the laws of this country would permit my noble Friend to communicate with him—and, above all, to the King of Naples; all of whom would give testimony to the benefits which they have derived from Lord Minto's presence, and from the advice given by him, and solicited from him, to the extent of urging him even to stay in one place, when he was about going to another. As to the proceedings of Lord Minto in Naples, I may say, that he would not have gone to Sicily at all, but for the solicitations of the King of Naples; and since that time, the successes of the Sicilian Army, which have been even greater than could have been anticipated, aided, as they undoubtedly were, by the events that have occurred in France and in other countries, have been such as to have rendered it impossible, I will not say for Lord Minto, but for any Government or any country, however powerful, to reconcile the two countries. At the same time, that the events in France undoubtedly affected the public mind of that country, as they did more or less every other country, to such a degree as to make it impossible for any negotiators, or any country, however impartial, to reconcile the differences between the two countries, is a fact that cannot be disputed. I say, however, my Lords, that this country has become known to all countries as desirous of preserving the peace of the world, and maintaining the relations that ought to subsist between Sovereigns and their people; and I am able to say that, to a certain extent, those exertions have been successful, though they have not in certain countries been permanent. This country has exerted her influence for the preservation of the peace and harmony of every part of the world; wherever her mediation can be instrumental for the prevention of war, that mediation will be freely offered; and it has in more than one instance been sought for and accepted. Such has hitherto been the principle on which this country has acted; but I trust that she will continue, as she ever ought to do, to respect the constitutions and dignity of all other States; while she never forgets her concern in the great interests of humanity, connected as they are with the prosperity of other countries and the peace of the world. I trust that she will not fail to exert the influence she possesses to preserve that peace whenever an opportunity occurs to offer her friendly mediation. Thus much I have thought it right to say, as I conceive it essentially necessary that it should be known that such have hitherto been, and such are now, the principles and objects of this country. We never seek for any advantage by foreign aggression, nor do we desire to interfere with the independence and dignity of any one country; but we feel that we have an interest which is common to all—that of seeing peace and tranquillity preserved throughout the world. Our wish is, amid all the stormy events that are passing around us, to take care that they shall pass by, if possible, without affecting the relations subsisting between one State and another, or the commerce and interchange of commodities so necessary to the prosperity of all. That is, I repeat, the policy of this country, and to that policy we mean to adhere; but I most emphatically deny that we have been actuated by any desire to push the interference of England with the affairs of any State beyond due and legitimate bounds. I trust that the noble Lord will not think it necessary to persevere in his Motion, as the papers will in due time be laid on the table of the House.

Lord BROUGHAM said, that he rejoiced that his noble Friend had brought forward this Motion, because it had given his noble Friend who had just sat down an opportunity of stating what the real facts of the case were as regarded the Spanish correspondence. The important words mentioned by the noble Marquess being omitted in the note, as published, presented the matter under a totally different aspect, and put an end to the complaint as to the wording of the despatch, and the tone which was remarked as prevailing in it. He most heartily deplored the unsound discretion displayed by Mr. Bulwer, who had thought fit, in the teeth of his instructions, to lay these instructions themselves before the Duke of Sotomayor, instead of taking his course according to the advice there laid down. He should at once enter his protest against the doctrine, not one indeed which was professed by his noble Friend (Lord Stanley), but which was extensively adopted by some out of doors, that circumstanced as England was towards Spain, the former Power should not have a right, nay, should not have rather a duty to perform towards the latter, in giving good advice, useful advice, friendly advice, advice as to the course she ought to pursue, in regulating her internal affairs. Giving such advice was no breach of good feeling—it was no breach of the principle of non-intervention — it should cause no interruption to the good intelligence existing with Spain. On the contrary, it would be following up that good intelligence between the two Powers, and the not giving such advice might even lead to a breach of the amity and good understanding existing between them. He (Lord Brougham) recollected the Duke de Broglie, then Minister of France, repeatedly telling him in the year 1834-5, that there was no person with whom he liked freely to discuss, not merely general political matters, but domestic affairs, more than his noble Friend, the late Lord Granville, who, he said, was the best and safest counsellor he ever had known. He (Lord Brougham) entirely agreed in this eulogy of Lord Granville; hardly ever had he known a man of sounder judgment and calmer temper, or one in all respects of more value as an adviser. There was nothing offensive, but the contrary, in the giving of good advice upon such matters. But the manner of conveying it had much to do with its success. When Lord Palmerston recommended Mr. Bulwer, "if a fitting opportunity offers" to do so-and-so, he did not mean that it was to be when Mr. Bulwer should have the rare opportunity of being possessed of a clean sheet of white writing paper, and a tolerably good pen, and a spoonful of ink. That was not, certainly, what Lord Palmerston meant; but that his opportunity would be when a conversation might be conveniently and naturally introduced, whilst he should be in private interview with the Spanish Minister; that it should be when he had an opportunity of speaking with the Minister of Spain, and talking over the matter in that delicate and discreet way which was likely to effect his object without giving offence. Instead of this course being opposed to the principle of non-intervention, he could easily see how such a step could be wisely and properly taken with any country whatever, even as he had said with France, notwithstanding all the habitual jealousy of England prevailing there. But much more safely, and even beneficially, might such friendly advice be tendered to Spain. Holding most religiously by the great principle of non-intervention, but still having the sense to see the distinction between non-intervention and not interfering at all, he must say that, had he been in Lord Palmerston's position in the months of December and January last, he should have felt it his bounden duty, as the friend of peace, as an enemy of revolution, and, above all, as the friend of France, to have given Lord Normanby a suggestion that he ought strongly to recommend a certain course of conduct as likely to prevent the jeopardy which he saw approaching the institutions and the monarchy of France. He (Lord Brougham) knew that such advice was given, though not by Lord Palmerston—he heartily wished it had been followed—and he knew that that advice was not regarded as a piece of intervention, or as an insult. If he was speaking in the presence of any of the distinguished persons who then governed France, as peradventure he was—[*M. Guizot was at this time in the House, standing near the steps of the Throne*]—he was sure he would have their cordial agreement when he said that such advice had been kindly and respectfully tendered, and that it was not regarded as an insult or indignity offered to France, or as showing anything but the most lively feeling of affection towards the monarchy and the institutions of the kingdom, and towards its inhabitants. If such advice had been sent over from Downing-street—not sent to be tumbled into the French Foreign Office—not bodily, and in substance, to be thrown before the French Government, but to be refined and passed through one of those strainers which would make it more acceptable—in short, had that been done which would have made all the difference between a thing spoken and a thing which was hardly to be named in the reading of a depatch, giving it all the charm which was to be gained in conversation, with the addition of qualifications, and all sorts of courtesies and salvos, and repudiation of all ideas of interference, and deprecation of all thoughts of dictation—had such been done, hs was satisfied that much good might have resulted from it, while there would have been no possibility of the proceeding being misapprehended. Now, if this could have been done in France, how much more so in Spain, especially considering the relations we stood in with the Spanish Government. He held that, so far from this advice to Spain being inconsistent with the position which we held towards that country, or with that delicacy which we ought to exercise towards her—as the noble Lord seemed to think—it followed as a natural consequence of the amity that existed between the two countries, and the relations between them. But it would have been the height of indelicacy to have given such advice in the way in which Mr. Bulwer had given it. One thing he could not help commenting upon. He should say, with all respect to the Provisional Government of France, that he could not but regard it as a specimen of bad feeling—of singular bad feeling—towards this country on the part of that Government, that they should have published the correspondence, omitting the paragraphs, the omission of which made an entire change in the meaning of the suggestions.

The Marquess of LANSDOWNE said, it was not in a Government paper that the correspondence had originally appeared. It was in an Opposition paper.

Lord BROUGHAM said, that made all the difference. He had been under the impression that it had appeared in a Ministerial paper. But he had never before seen a case in which the omission of a few words had made so great a difference in the meaning of a document. But the Duke de Sotomayor had distinctly stated, in his reply to Mr. Bulwer, that the substance of that very despatch had appeared in a Spanish Opposition paper in anticipation, and some days before it had been formally communicated, and that it had been delayed in Mr. Bulwer's office some time. Now, he thought this likely, because he knew that there existed a communication between his embassy and the press—a communication which was much to be reprobated. If their Lordships would compare the dates of certain papers which had been published in a London newspaper in the month of July, 1846, they would find that a most confidential communication upon one of the most delicate subjects had been obtained, and that communication, by a comparison of the dates of the time and place, they would find must have been sent over to the

London paper before it reached the hands of the Spanish Minister, or at the very same instant. It was, therefore, plain that it—not the despatch in full, but an abstract of it—had been sent for insertion in the columns of the London newspaper, from Madrid, before or at the very time it was sent to the Spanish Minister. He (Lord Brougham) did not mean to say that there was a gentleman connected with the press attached to the embassy, but it certainly appeared that there was some sort of connexion by which those papers, even confidential ones, came to be published. As to the differences upon the subject before their Lordships, he could not tell which was the more correct, the Duke de Sotomayor or his Friend the noble Marquess, until he should have seen the despatch. With regard to the promotion of Mr. Bulwer to the Order of the Bath, he happened to know that it had not been recently resolved upon, but that it had been determined on some months before. At the same time he must say, that if the question had not been already determined, he should have advised his noble Friend, as the giving of these decorations was not absolutely necessary—as our diplomatists were not starving for want of honours—that no great harm would have been done by deferring for some months the reward for Mr. Bulwer's general conduct, in order that it might not appear to be given as a reward of his late achievement. Having mentioned this new order, he must add that he disapproved very much of the introduction, now for the first time, of these decorations into our social system, for whereas there was no gentleman of mark or consideration abroad, whether he was French, or German, or Italian, or Spanish, who went to any place of public resort without one or more ribbons dangling at his buttonhole, the English gentleman used aforetime to be distinguished by the absence of what we considered those paltry decorations; and the Order of the Bath was almost exclusively confined to our soldiers and sailors. Orders of knighthood were connected with and inseparable from monarchical and aristocratic institutions; but he (Lord Brougham) objected to the general and prevailing distribution of those honours, which would consequently soon become a distinction of no merit, and unworthy to be sought after. As to the desire for them in France, it was such that, although the Provisional Government had succeeded in overthrowing the monarchy, and in decreeing the destruction of titles of nobility, he should be much surprised if the Republic could effect such a conquest over French love for decorations as to dispense with them. They had put down the monarchy but not the titles of nobility, which were as universally used in France at the present moment as they had been before the revolution. For one of the only two carriages which he had met during a journey of 600 miles in that unhappy country, a journey between the Var and the Seine, was occupied by General Thiard, who was going as representative of the French Republic to the Swiss Confederation, and he was called "Count" at every inn and posthouse along the road, while he flourished a three-coloured flag from his carriage.

Lord STANLEY, after what his Friend the noble Marquess had said, and the explanation he had given—and his noble Friend having promised to produce the papers he had mentioned—would not trouble their Lordships further by pressing his Motion; he shouuld therefore withdraw it.

Motion, by leave of the House, withdrawn.

[The Marquess of Lansdowne shortly after delivered the correspondence between the British Government and the Government of Spain.]

House adjourned.

HOUSE OF COMMONS,

Friday, May 5, 1848.

Minutes.] Public Bills.—1° Waste Lands (Ireland).

Reported.—Evicted Detitute Poor (Ireland); Poor Houses (Ireland).

3° and passed:—Insolvent Debtors, India; Poor Removal.

Petitions Presented. By Mr. Sharman Crawford, from Bury (Lancaster), for Adoption of Universal Suffrage.—By Mr. Farnham, from Inhabitants of the Chapelry of Woodville, in the Diocese of Peterborough, for Increasing the Efficiency of the Church of England.—By Mr. J. Williams, from Macclesfield, and its Vicinity (Chester), for Abolishing the Distinction between Ecclesiastical and Civil Courts.—By Mr. Cobden, from Skipton, Yorkshire, and by other Hon. Members, from several Places, for Better Observance of the Lord's Day.—By Mr. Buck, from the Parish of Charles (Devon), against the Roman Catholic Relief Bill.—By Mr. Gibson Craig, from Members of the Grayfriars Congregation, Edinburgh, and by other Hon. Members, from several Places, for Alteration of the Law respecting Sites for Churches (Scotland).—By Mr. Howell Gwyn, from Falmouth, and from Attorneys and Solicitors practising in Maryport (Cumberland), for Repeal of the Duty on Attorneys' Certificates.—By Mr. Alexander Oswald, from Directors, Governors, and Subscribers of several Charitable Institutions of Ayr, for Exemption of Charitable Bequests from Legacy Duties.—By Sir Henry Halford, from several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for Extent of the Benefit Societies Act.—By Mr. Muntz, from Thomas Attwood, formerly a Member of the House, for Alteration of the Law of Currency.—By Mr. Bankes, from Kingston Russell, and its Vicinity (Dorset), and by Mr. W. Miles, from Barrow (Somerset), against the Diplomatic Relations, Court of Rome, Bill.—From the Lord Mayor, Aldermen, and Burgesses of Dublin, for Production of Reports and Evidence from the Surveying Officers, in the Case of the Dublin Improvement Bills.—By Mr. Napier, from Achill, Diocese of Tuam, and other Places, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Mr. Fergus, from Dunfermline, and by Sir W. Heathcote, from Occupiers of Land in the Northern Division of Hampshire, for Repeal of the Game Laws.—By Viscount Morpeth, from the Metropolitan Working Classes Association for Improving the Public Health, in favour of Sanitary Regulations.—By Mr. Hume, from the Town Council of Forfar, for Alteration of the Law of Entail (Scotland).—By Mr. Rutherfurd, from Leith, against Repeal of the Navigation Laws.—By Mr. Buck, from Guardians of the Bideford Union, Devonshire, respecting the Rating of Workhouses.—From Ratepayers of Loughgall, Annaghmore, Charlemont, and Kilmore, in the Armagh Union, for Alteration of the Poor Law (Ireland).—By Mr. Rutherfurd, from the Parish of Gorbals (Glasgow), for Amendment of the Poor Law (Scotland).—By Admiral Bowles, from Launceston (Cornwall), for an Alteration of, and by Sir R. H. Inglis, from Inhabitants of the Parish of St. Mary, Battersea, in favour of, the Public Health Bill.—By Mr. Cornewall Lewis, to take into Consideration the Existing State of the Turnpike Trusts.

FOREIGN TRADE WITH INDIA.

Mr. RICARDO wished to ask a question of the President of the Board of Control. It was understood that treaties were in existence with foreign countries by which they were allowed to trade with the East Indies under their own flags; and that not only from their own ports, but from the ports of Great Britain. However, there were local regulations in India imposing double duties on commodities brought in foreign bottoms. It was now generally reported, that by an Act of the Governor General, ships of foreign countries were to be allowed to trade with India on the same terms as our own ships. He wished to know how far this liberty was allowed to foreign countries?

Sir J. HOBHOUSE begged to say, in answer to the question, that it was true that, by an Act of the Government of India, differential duties were entirely done away with. That had taken place in consequence of orders sent by the Court of Directors and the Board of Control, last December. He had not the least objection to lay this Act on the table of the House; and he would add, for the hon. Member's information, that this Act, and also a document showing on what grounds the Act had passed, had been laid before the Indian Committee; and besides that part of the Act to which his hon. Friend alluded, the Governor General had also done away with the duties from port to port, the reason being that land transit duties having been for some time done away with, it was also thought expedient to do away with sea duties. All those Gentlemen who were acquainted with India, knew well that by an Act passed in 1839, the coasting trade was confined exclusively to British bottoms. There could be no interference with the coasting trade by foreign vessels; but as to the other question, all differential duties were done away with.

Lord G. BENTINCK said, that it was stated that the legislative Act had been so framed, that all goods from Singapore would come into India free of duty. The House was aware that Singapore was a free port, and the Act had been so framed that no exception had been made against the goods landed at Singapore, reshipped, and brought into India; and assertions had been made, that any goods landed at Singapore, and reshipped, would come into any part of the continent of India free of all duties. He begged leave, therefore, to ask his right hon. Friend whether this impression on the public mind were or were not correct? If it were correct, whether instructions to that effect went out from this country? Whether it was the intention of the Governor General of India; or whether it had arisen altogether through some oversight and some mistake on the part of the Governor General of India?

Sir J. C. HOBHOUSE, in answer to the question put to him by his noble Friend opposite, had to say that of course this matter had not escaped notice; and he had thought it his duty yesterday, on seeing the return of this Act, and the regulation of the Government of India, to inquire at the India House whether they had any explanation in reference to this, which appeared to be an omission on the part of the Government of India? The Act, as drawn up, certainly appeared liable to the objection made by the noble Lord. He had seen a gentleman, of whom he had asked for an immediate explanation as to whether or not this was an omission accidentally or by design. An impression prevailed that advantage might be taken of Singapore being a free port, that a new bill of lading might be had, and that no duty having been paid at Singapore, no duty would be paid at Madras or Bombay. The Customs duties of India amounted to 50,000*l.* or 60,000*l.*, and certainly there was no intention to give that up. He conceived it must be some accidental omission.

ALIENS BILL.

House in Committee on the Aliens Bill.

On the 1st Clause, which provides that—

"Any alien who shall not depart in twenty-four hours after the order of the Secretary of State in England, or the Lord Lieutenant in Ireland, shall be committed to prison,"

MR. HUME moved the insertion of the words—

"Provided always, that a copy of every such order shall be immediately served on the alien or aliens so ordered to depart, and shall be accompanied by a copy of the information, in writing."

The Committee divided on the question, that the words proposed by Mr. Hume be added:—Ayes 34; Noes 158: Majority 124.

List of the AYES.

Bright, J.
Clay, J.
Cobden, R.
Cockburn, A. J. E.
D'Eyncourt, rt. hn. C. T.
Ewart, W.
Fergus, J.
Forster, M.
Fox, W. J.
Gardner, R.
Greene, J.
Hall, Sir B.
Harris, hon. Capt.
Henry, A.
Humphery, Ald.
Kershaw, J.
Lushington, C.
M'Gregor, J.
Molesworth, Sir W.
Mowatt, F.
Muntz, G. F.
O'Connor, F.
Pearson, C.
Pilkington, J.
Raphael, A.
Robartes, T. J. A.
Salwey, Col.
Sidney, Ald.
Smith, J. B.
Stuart, Lord D.
Sullivan, M.
Thompson, Col.
Walmsley, Sir J.
Williams, J.

TELLERS.
Hume, J.
Bowring, Dr.

List of the NOES.

Abdy, T. N.
Acland, Sir T. D.
Adair, H. E.
Adair, R. A. S.
Alexander, N.
Arundel and Surrey, Earl of
Ashley, Lord
Baldock, E. H.
Barnard, E. G.
Barrington, Visct.
Bellew, R. M.
Berkeley, hon. Capt.
Birch, Sir T. B.
Blandford, Marq. of
Bolling, W.
Bourke, R. S.
Bowles, Adm.
Bramston, T. W.
Brand, T.
Bremridge, R.
Broadley, H.
Brooke, Lord
Brotherton, J.
Brown, W.
Buck, L. W.
Bunbury, E. H.
Burrell, Sir C. M.
Busfeild, W.
Carew, W. H. P.
Carter, J. B.
Cavendish, hon. C. C.
Christy, S.
Clements, hon. C. S.
Craig, W. G.
Cripps, W.
Dalrymple, Capt.
Davies, D. A. S.
Dawson, hon. T. V.
Denison, W. J.
Disraeli, B.
Divett, E.
Dodd, G.
Drummond, H.
Duff, G. S.
Duncan, G.
Duncombe, hon. A.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Elliott, hon. J. E.
Emlyn, Visct.
Estcourt, J. B. B.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Floyer, J.
Forbes, W.
Fordyce, A. D.
Fortescue, hon. J. W.
Fox, R. M.
Freestun, Col.
French, F.
Galway, Visct.
Glyn, G. C.
Goddard, A. L.
Gore, W. R. O.
Granger, T. C.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Gwyn, H.
Hastie, A.
Hawes, B.
Heathcote, Sir W.
Heneage, E.
Henley, J. W.
Herbert, H. A.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hodgson, W. N.
Hollond, R.
Hope, Sir J.
Hornby, J.
Howard, hon. J. K.
Jervis, Sir J.
Jones, Capt.
Keppel, hon. G. T.
Labouchere, rt. hon. H.
Langston, J. H.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Locke, J.
Mackinnon, W. A.
Macnamara, Maj.
Maitland, T.
Mangles, R. D.
Manners, Lord C. S.
Masterman, J.
Matheson, Col.
Morgan, O.
Morpeth, Visct.
Morison, Gen.
Mulgrave, Earl of
O'Brien, Sir L.
O'Connell, M. J.
Ogle, S. C. H.
Oswald, A.
Owen, Sir J.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pattison, J.
Perfect, R.
Philips, Sir G. R.
Pigott, F.
Power, N.
Price, Sir R.
Pugh, D.
Rawdon, Col.
Reid, Col.
Repton, G. W. J.
Rice, E. R.
Richards, R.
Rolleston, Col.
Romilly, J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Shelburne, Earl of
Sibthorp, Col.
Smith, J. A.
Smyth, J. G.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stansfield, W. R. C.
Thornely, T.
Towneley, C.
Towneley, J.
Townshend, Capt.
Trevor, hon. G. R.
Tynte, Col. C. J. K.
Verney, Sir H.
Vyse, R. H. R. H.
Waddington, H. S.
Wall, C. B.
Walpole, S. H.
Ward, H. G.
Wellesley, Lord C.
Westhead, J. P.
Williamson, Sir H.
Wilson, M.
Wood, rt hon. Sir C.
Wyvill, M.
Yorke, H. G. R.

TELLERS.
Tufnell, H.
Hill, Lord M.

MR. GRANGER moved, at the end of Clause 1, to insert the following proviso:—

"Provided always, that if any person shall knowingly and maliciously give any such information as aforesaid, of and concerning any such alien, which shall be false in some material part thereof, every such person shall be guilty of a misdemeanour, and being convicted thereof shall, at the discretion of the Court, be liable to be imprisoned for any time not exceeding three months."

The Committee divided on the question that the proposed words be added:—Ayes 33; Noes 98: Majority 65.

List of the AYES.

Bowring, Dr.
Bright, J.
Brotherton, J.
Clay, J.
Cockburn, A. J. E.
D'Eyncourt, rt. hn. C. T.

Duncan, G.
Ewart, W.
Forster, M.
Fox, W. J.
Greene, J.
Hall, Sir B.
Henry, A.
Hume, J.
Kershaw, J.
M'Gregor, J.
Molesworth, Sir W.
Mowatt, F.
Muntz, G. F.
O'Connor, F.
Pearson, C.
Pechell, Capt.
Pilkington, J.
Raphael, A.
Salwey, Col.
Scholefield, W.
Sidney, Ald.
Smith, J. B.
Sullivan, M.
Thompson, Col.
Walmsley, Sir J.
Williams, J.
Yorke, H. G. R.

TELLERS.
Granger, T. C.
Stuart, Lord D.

List of the Noes.

Abdy, T. N.
Adair, H. E.
Armstrong, R. B.
Ashley, Lord
Barnard, E. G.
Barrington, Visct.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Blackall, S. W.
Bourke, R. S.
Brown, W.
Bunbury, E. H.
Burrell, Sir C. M.
Busfeild, W.
Christy, S.
Clements, hon. C. S.
Coke, hon. E. K.
Craig, W. G.
Cubitt, W.
Dalrymple, Capt.
Denison, W. J.
Divett, E.
Drummond, H.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Evans, J.
Fergus, J.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Forbes, W.
Fordyce, A. D.
Fox, R. M.
Freestun, Col.
Galway, Visct.
Gladstone, rt. hn. W.E.
Glyn, G. C.
Gore, W. R. O.
Greenall, G.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Harris, hon. Capt.
Hastie, A.
Hawes, B.
Heneage, E.
Henley, J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hodgson, W. N.
Hornby, J.
Jervis, Sir J.
Keppel, hon. G. T.
Labouchere, rt. hon. H.
Langston, J. H.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Locke, J.
Mackinnon, W. A.
Macnamara, Maj.
Maitland, T.
Mangles, R. D.
Masterman, J.
Matheson, Col.
Meux, Sir H.
Morgan, O.
Morpeth, Visct.
Morison, Gen.
O'Connell, M. J.
Ogle, S. C. H.
Owen, Sir J.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Power, N.
Price, Sir R.
Pugh, D.
Reid, Col.
Rice, E. R.
Romilly, J.
Russell, Lord J.
Rutherfurd, A.
Sibthorp, Col.
Smith, J. A.
Spooner, R.
Sturt, H. G.
Towneley, C.
Townshend, Capt.
Verney, Sir H.
Waddington, H. S.
Ward, H. G.
Watkins, Col.
Westhead, J. P.
Williamson, Sir H.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.
Hill, Lord M.
Tufnell, H.

Bill went through Committee.

House resumed.

Bill to be reported.

PUBLIC HEALTH BILL.

On the question that the Speaker do leave the Chair for the House to go into Committee on the Health of Towns Bill,

Colonel SIBTHORP observed that he had always entertained a strong objection to that measure, however much he might respect the noble Lord (Viscount Morpeth) who introduced it. It was a Bill containing no less than 153 clauses, yet, in his opinion, it was one which was wholly unnecessary. They kept back the cities of London and Westminster out of the Bill, why he could not tell, except that it might be convenient to the noble Lord, one of the Members for the city of London, now at the head of the Government, who might have been warned against including those localities. He did not see why those places should be excluded from the proposed Bill, while much purer cities in every sense, and he meant particularly the city of Lincoln, which he had the honour to represent, were brought within its influence. Few places were more cleanly than that city, and the great improvements which were daily taking place in it, made it require such a Bill as the present less than most other localities. Why, therefore, should London and Westminster, which wanted improvements, and were wallowing in filth, be excluded from a Bill which professed to make pure and cleanly places which did not want such care? Another objection which he had to the present Bill was, that it created a good deal of patronage, and would be attended with a great increase of public expenditure. He did not oppose the Bill because it was a Whig measure; for, from what he had seen in that House, he could place more confidence in a Whig than he did in a Tory Government, as there was less deceit and hypocrisy in the former than in the latter. He would, therefore, rather have the noble Lord than the right hon. Baronet the Member for Tamworth. He objected to the Bill upon its merits. Many greedy people expected places from it. He did not know whether under the Bill retiring pensions would be allowed; but no doubt they would be, thereby adding to the expenses of the country. He hoped that when the estimates of the civil contingencies were before the House, he would be supported in endeavouring to cut down the retiring pensions. In Clause 5 of the Bill he observed that offices, clerks, &c., were to be provided for the Commissioner by the public treasurer. Now, as modesty on the part of Government was a farce, he thought they might just as well have provided that champagne, turtle, &c., should be supplied to the Commissioners every time they sat. The city which he had the honour to represent required no such Bill as this. The city was clean enough, and he would go so far as to say that there was not a poor man in it. They required no change. He entirely disapproved of the proposed innovation. He disapproved of the new patent water-closets, and much preferred the old system. He could not see why the pure city of Lincoln should be mixed up with the impure cities. London and Westminster required far more scrubbing, rubbing, and washing than ever Lincoln did, and therefore the Bill was partial, and, as such, he should oppose it.

Mr. URQUHART had given notice of a Motion to the effect that it was the opinion of that House that the existing laws provided protection for, and remedies against, the nuisances which affected the health of man. The first objection which he had to the present Bill was, that it superseded the functions of that House, by enabling other bodies to impose taxes, and supersede laws which had been passed in that House. He contended that we had neglected the powers of the common law, impeded the action of the municipal bodies, and the consequence had been, the spread of those causes of disease which had subsequently called public attention to this subject. Now, when they came to legislate upon that subject, they should take care that they did not create a greater nuisance than that which they endeavoured to correct. There was a most estimable class of persons—the medical practitioners —who had found in this Bill a field for the application of their science, and had become missionaries of the project. They had declared for the Bill, the whole Bill, and nothing but the Bill. But independently of their desire to promote the general good, there were other considerations which were probably calculated to operate on them, and probably to lead them astray. This was a Bill of a very peculiar character; it had health written upon its forehead; but within there were provisions for the appointment of officers, and for the employment, more especially, of the members of the medical profession. Consequently, the active—the youthful — the energetic members of the medical profession, were active promoters of this Bill, in order to secure to themselves the great benefits which were likely to accrue to members of the medical profession from the passing of it. They, therefore, fought for this Bill with a zeal and an energy which they would not have exhibited in support of any mere abstract proposition for the improvement of the public health. But they were not the only class of persons interested in the success of this measure. Those connected with engineering, either theoretically or practically, were equally interested in it. To all persons of this class the Bill held out promises of place and patronage. All these persons were busily engaged in spreading opinions in favour of this measure — in inducing the public to accept it without inquiry and without change. The measure came before the House in a suspicious guise. It should not be considered in its nosological character merely, but also in its political and financial bearings. It was open to a double class of objections. He objected to it, because it created an immense number of new situations and offices which were to be in the gift of the Government. It had long being the pride of this country that Government had little to do in the management of our internal affairs. The results which had happened in other countries had shown what was the inevitable tendency of placing inordinate powers in the hands of the Government. There could be no graver subject for the consideration of a legislator than what must be the necessary result of placing enormous patronage in the hands of the Executive. It was because past Parliaments had given enormous power to the Government, that he, as a Member of a new Parliament, had determined to use every means in his power, not merely to prevent any increase to that power, but to reduce the amount of it which the Government at present enjoyed. The last election had brought out the feeling of the people of this country strongly against the principle of centralisation, as had been proclaimed on various hustings. Several Members had been returned pledged to oppose this principle, and he based his opposition to this Bill upon his determination to destroy, as far as possible, this principle. The noble Lord the Chief Commissioner for Woods and Forests had, when he proposed this Bill, declared that centralisation was either the best or the worst of all things—it was either very good or very bad. The country was of opinion that it was very bad, and as a proof of it he would allude to the placards which were posted about the town on the memorable 10th April, containing extracts from the *Economist*, in which it was stated that the writer had no hopes of France, because there the principle of centralisation was predominant, but that he had no fear for England, because here we were governed by our municipal institutions. Centralisation dissolved the bonds of society; and the petitioners against this measure were aware of that fact. All the petitioners against this Bill for so-called sanitary reform, expressed themselves opposed to it, because it was a measure of centralisation. The fact was, centralisation was usurpation. It was a usurpation by the Government of the powers of local bodies, and a destruction by the general Executive of local rights. The people of England loved and possessed municipal government, and they would not suffer themselves to be jockeyed out of it. What was the meaning of this usurpation of local rights—what was this centralisation? It was corruption—it was undisguised corruption; and as a proof that it was so, he would adduce as an instance the late Government of France, the fate of which should be a warning to the would-be centralisers in this country. Was it not corruption which had produced the revolution in France? Was it not the corruption which had been brought to light during the recent State trials in that country which had drawn the suspicion of the people on the Government? and here we had those parties to whom he had previously alluded, as being directly interested in the passing of this Bill, using their utmost exertions to palm the Bill upon the country. He resisted this Bill because it was un-English and unconstitutional—corrupt in its tendency—it was an avowal of a determination to destroy local self-government, and, if carried, its effect would be to pass a roller over England, destroying every vestige of local pre-eminence, and reducing all to one dull and level monotony. It would place in the hands of the Government an immense amount of personal patronage, and add to the burdens of the country an enormous load of new taxation. The measure was principally supported by those who imagined that they had made a great discovery, and who declared that no measure had ever before been proposed so philanthropic, and who declared that medicine had never before been raised to so high a level. He placed no trust in new doctrines—he believed that all good things were old. Cleanliness had formed a principal element of all ancient nations which had existed for any length of time; and as a proof of his proposition, he would allude to the cloacæ of ancient Rome, to the drainage of the Colosseum—those great public works of the Etruscans which were models to us even at the present day. He would allude to the practice of embalming bodies in Egypt, and to the substitution of the burning for the burial of bodies among the Greeks and the Romans, as a proof that the ancients paid the greatest attention to prevent the evils arising from the escape of effluvia from putrifying bodies. He was astonished at the ignorance of the common law of the land exhibited by the promoters of this Bill. They had catalogued a long list of nuisances, and had declared that the law at present provided no remedy for their abatement. Now, so far from such being the case, any one who would take the trouble to refer to *Blackstone's Commentaries* would find that the common law provided ample means for putting down all the nuisances to which this Bill referred. The Bill was in this respect useless; the common law provided an ample remedy; and if the remedy provided by the common law were not applied, it was solely owing to our own neglect. Any municipal body in England had ample power to put in force the common law for the abatement of nuisances. There were several processes in former times which had fallen into disuse; but now, as regards nuisances, the only remedy was at common law. One method in ancient times for the abatement of nuisances (*temp.* Henry VI.) was Royal commissions. That remedy was still available, and the Crown had still the power of ordering inquiry into the causes of nuisance with the object of suppressing them. A remedy for the miserable condition of the poorer classes being desirable in the minds of all men, the mode of obtaining it was obvious. But instead of adopting that mode, a Bill was introduced, which, on the showing of the noble Lord opposite, was only the commencement of a series of legislation on the subject, and the powers sought by which the noble Lord himself doubted would be granted by Parliament. The noble Lord constituted himself the organ of the grievances of the people of England in the matter; but there was nothing in the prayer of these petitions which stated the remedy to be the establishment of a central commission of five Members in London. If the noble Lord had abstained from that dangerous course of legislation, which made him appear only the instrument of other ends than those proposed, he might be entitled to the gratitude of his country; but he denied that the measure supported by the noble Lord was called for by justice, by reason, or by expediency. The noble Lord in introducing this subject asked why the operatives of England were to be the most miserable on earth? There was no Health of Towns Bill in France, or Italy, or Spain, or Germany, or America. Why then was such a measure necessary for England? The reason why the condition of the country was at the lowest ebb, and he might say sink of filth, was, that this House had passed laws which affected the labour and the industry of man. He was aware that this opened up a wide field, commercial, financial, and monetary; but he maintained that these were the causes which had degraded England's workmen. Away, then, with this mawkish philanthropy, these absurd and vain pretexts, which pretended to stop the current of a fever by holding the pulse of the patient! If any stranger were to come to this country and to look at the Bill, the judgment he would form of the people of this country would be, that they were a set of the greatest fools that ever lived; and that every person connected with corporation affairs was a knave; and that a wise and paternal Government undertook to appoint a set of men who were under no bias, and could have no personal interest, to protect the fools against the knaves. Such was the only intelligible interpretation which could be given by one who looked only at the Bill from without; and if this Bill passed into a law he was satisfied it would go far to make that true which the stranger would only have surmised. If this Bill was passed, other Bills carrying the principle still farther would be speedily introduced, because it would soon be found that the local bodies were not so obsequious and so subservient to the general board as they ought to be. The despotic powers of the general board would come into collision with those of the local bodies, and then there would be a substitution of paid officers in every department of the State. He believed the people of this country had been taken by surprise by this Bill, and that, dazzled by the eloquence of the noble Lord who introduced it, they were not aware of its real character. Last year there were 30,000 petitioners in favour of the Bill, and only about 200 against it; but now the tide was turning, for there were 20,000 who had petitioned against the Bill, or for modifications of it, while there were only 5,000 in its favour. He held in his hand a petition which he had not been able to present in time, signed by several gentlemen, and even by medical practitioners, who complained that they had shortly before signed a petition in favour of the Bill through ignorance of its real character. This, he believed, was a very general case. But now the sense of the population was quickening upon the subject; deputations were arriving from every town—petitions against the measure were loading their table—and remonstrances from their constituents were addressed to almost every hon. Member. If he were wrong in these representations, it would be easy to prove his error by allowing further time for the feeling of the people to declare itself. [The hon. Member read extracts of letters he had received from Stafford and Worcester, complaining of the expense which this Bill would entail, and proceeded.] They had lately been discussing the propriety of imposing an income-tax, and complaining of the lavish expenditure of Government. Would hon. Members then allow by this Bill, which was not a Money Bill—which was more like a Russian ukase than an English Act of Parliament—would they allow a new tax to be imposed upon the people of England, equal perhaps to the income-tax? He was of opinion they would not; and even if the Government were so ill-advised and so infatuated as to press this measure—if by a manufactured majority they were to succeed in passing it into a law—yet he trusted the time would soon come when such an amount of opposition would be raised to its working as would compel a new course of legislation upon the subject, and lead them back to the old laws of their ancestors. He wished further to call the attention of the House to the means that had been employed to advance this measure. It was with pain he was compelled to allude to the proceedings of a body so respectable in most of its members as the Health of Towns Association; but they had, in their reports, put forth, in support of this Bill, calumnies the most vile, statements the most unfounded, language the most unseemly, and propositions the most absurd. Anonymous slanders on one town after another had been sanctioned by the authority of that body. This showed that, with the philanthropic sentiments which actuated many, there were also sinister motives at work, and that there were concerned in this measure not only the friends of humanity, but also the friends of pelf. In the name, therefore, of the constituencies of England—constituencies whose existence was antecedent to that of Parliament—he called upon them not to pass this law. He called upon them further to postpone all legislation on the subject for a week; and before the expiration of that time he pledged himself to introduce a measure so framed as to embrace all the objects of the Bill without including its objectionable principle of centralisation. The opposers of the Bill objected to it especially upon the ground that its machinery would be difficult of operation and unnecessarily expensive in practice, without realising the end for which it was intended. They, moreover, believed that it would lead to interminable disputes and differences, and expose the Government to a temptation against which its integrity would not be proof. Let not the Government deceive themselves with the idea that the opposition to this Bill was an unimportant one, and that the great body of the community would not share in it. The minority was not an insignificant one, as experience might show; and in deference to their wishes he implored the noble Lord not to press the measure forward before the sense of the country was fully taken upon its provisions. The hon. Gentleman concluded by moving that the Bill be committed that day six months.

Mr. BANKES seconded the Amendment. He could not consent that the House should go into Committee on a Bill which contained in the preamble provisions which he believed to be hostile to the whole nature of the measure—provisions which excepted the whole of the city of London by express enactment, and the whole of the metropolitan districts by implication. He would not impute to the noble Lord the Member for the city of London any undue partiality for his own constituents; but this he would not hesitate to say, that the constituency which that noble Lord represented had no stronger claim on his consideration in respect of such a measure as the present, than the constituency which he (Mr. Bankes) had the honour of representing, or than that which was represented by the hon. Member for Stafford. It was only right that in a matter of this kind all constituencies should stand on the same footing, and that they should all obtain, as they all justly claimed, the same degree of attention. A Sanitary Bill which was good for some places, must of necessity be good for all; and the converse of the proposition was equally true. A Bill which was objectionable to some cities, as for instance to the city of London, must be equally objectionable when applied to the towns of the county which he represented, or to the town which was represented by the hon. Member who had proposed the Amendment. It was idle, therefore, to think of legislating on this question until the Government could find it practicable to introduce some determinate measure just in principle, unexceptionable in detail, and capable of general application. When they were prepared with such a measure, they might reckon on his cordial support; but to a measure like the present, partial in its operation, and so exceptionable in its details, he would offer an uncompromising opposition. It was a continual source of complaint with the Government that so much time was lost, because of the opposition which was offered to their measures by certain Members in that House; but Ministers had only themselves to blame for bringing forward measures which, although excellent in principle, were not framed in such a shape that Members at that side of the House could agree to them. Surely, if the Bill which they had now introduced were good for Exeter, Nottingham, Manchester, Liverpool, or York, it must be equally good for London; and if so, why, in the name of common sense and common justice, was London excepted from its operation? It was clear that if time was expended in opposing a Bill with so grave an objection, Government had themselves to thank, and themselves alone, for the delay. The Bill, as originally framed, was found to contain so many defects that the very men who had drawn it up were obliged to double the letters of the alphabet in order to obtain designations for the clauses which had to be improved upon. They had been fourteen months preparing the Bill, and the alphabet itself did not contain letters enough for the clauses which had to be introduced as emendations on the Bill as originally proposed. The Government were perfectly well aware that it was idle for them to expect to pass the Bill with such a preamble as at present belonged to it. They were perfectly well aware that if by that kindness for which Members who sat upon his side of the House were distinguished, they would be enabled to get the Bill into Committee, the Bill would, nevertheless be lost, infallibly lost, in the long run. After many and many a weary night had been spent in discussion, and after innumerable reproaches for loss of time had been made by the Government, Ministers would at last have to acknowledge that the measure was not practicable, and that the objection with respect to the city of London had proved fatal and insurmountable. If they included London and the metropolitan districts in the operation of the measure, they would find it impossible to pass the Bill; and until London and the metropolitan districts were included, he, for one, could never consent to the Bill. Tall chimneys were springing up around them on all sides, so that they overtopped even those lofty towers which were being erected on the palace which was destined for the accommodation of the Members of that House. The whole atmosphere was tainted by the discharge from those chimneys, so that the very trees in the neighbourhood were blighted and killed; and yet London, where such sights were seen, was the very place selected for exemption from the operation of this Bill. They permitted the air to be infected which the senators of England breathed, and they were for giving pure air to the inhabitants of all other towns. Any thing more absurd he had never heard of. He objected also to the principle of centralisation which was inculcated so inexorably throughout the Bill. The hon. Member for Stafford was not historically correct when he said that there was no precedent for any such provisions as those contained in the Bill. In the time of Oliver Cromwell everything was referred to Commissions, and Commissioners' Bills were then passed in pretty much the same form as now, and some propositions were made almost in the same words; but the times of Cromwell were not those which he should select for imitation. Boards were already in existence which were conducted under the supervision of men of character and ability, and to those boards the powers ought to be delegated which it was proposed by this Bill to entrust to Commissioners. To the noble Lord at the head of the Woods and Forests he would cheerfully concede any additional assistance that he might find necessary in order to the proper performance of the duties of his office; but he could not consent to the creation of a new batch of Commissioners—men who were not amenable to that House, men of whose character and efficiency the House knew nothing. Let the noble Lord, unimpeached as he was in honour, and possessing as he did abilities which they all acknowledged and admired, appeal to that House for increased facilities, and the noble Lord should have his unhesitating tribute of confidence in the integrity of his intentions, and his efficiency to carry out his views; but let not the House abdicate its own duty and authority to irresponsible agents. If this Bill should be passed in its present shape, two years would not have elapsed before they would be importuned with applications for its repeal, which they would find it impossible to resist. Of the principle of the Bill he entirely approved. He did not wish its withdrawal because he objected to its principle; but he was most decidedly of opinion that the local authorities throughout the country were not deserving of the distrust with which they were in this Bill treated. If that House would consent to trust the local authorities, submitting them, of course, to the high and honourable supervision to which all magisterial and ministerial jurisdictions ought to be subjected, he had not the least doubt but that they would do their duty most effectively. The magistracy was amenable to the supervision of the Home Secretary; and as the system was found to work most satisfactorily, he did not see what objection there could be to confiding the sanitary regulation of the country to local authorities, amenable to the Woods and Forests Department.

Lord JOHN RUSSELL: The hon. Gentleman who has just sat down had it fully in his power, if he thought fit, to have shown to the House that a Bill for the purpose of sanitary improvement ought to include in its provisions the city of London and the whole of the metropolis. The House, I am sure, would be ready to listen to any argument he might address to them on that subject; but the hon. Gentleman has addressed to them no argument whatever. He has contented himself with casting imputations. It may be wise that a measure should be brought forward like that introduced by the noble Lord the Member for Falkirk, when he was at the head of the Woods and Forests, to exempt the metropolis from the operation of the Bill; or it may be better, perhaps, to bring forward a plan like that introduced by my noble Friend last year, including the whole of the metropolis: one plan may be better than another. My noble Friend may think that a Bill including the whole of the metropolis would be the most satisfactory; but he should state his reasons for holding that opinion; however, the hon. Gentleman leaves all the reasons untouched, and, thinking it unnecessary to urge any arguments in support of his views, casts the imputation upon me of being influenced in respect to this measure by a regard to the interests of my constituents. [Mr. Bankes: I did not say any such thing.] The hon. Member began by saying he would make no imputation whatever; and he then said, what right has the noble Lord to see the interests of his constituents attended to, while those who represent the other cities and towns are not equally attended to? [Mr. Bankes: I said the contrary.] Certainly what struck my ears was this: the hon. Gentleman said that the representations of my constituents were listened to, and the representations of the hon. Member in regard to towns in the county of Dorset, and of the hon. Member for Stafford, ought to be equally attended to; but I am glad the hon. Gentleman meant nothing of the kind. [Mr. Bankes: I said nothing of the kind.] If the hon. Gentleman said nothing of the kind, then my ears deceived me. The sentence was never uttered which I certainly thought I had heard, and I must have entirely mistaken what my ears conveyed to me. Having been liable to many attacks with respect to this measure in the course of the last year, to which I have never replied, I think I am now justified in stating what course I have taken, which was not an active one—perhaps, not so active as it ought to be on the subject. I have considered the question generally with my noble Friend, who originally came to the decision that the whole of the metropolis ought to be included. But when the Bill was brought in, an objection was taken to that course, and my noble Friend was induced to reconsider the matter. It was my desire that he should consult with those persons who ought to be consulted on the subject, and that we should be ready to pay attention to the suggestions of all parties, with a view to make the Bill operate as beneficially as possible. The result was, that my noble Friend made an amendment on the Bill, and said he had come to the determination to leave out the metropolis. Why, a few minutes ago I was told there was not any imputation whatever thrown upon me. Yet now, when I say that my noble Friend told me that he had come to the determination to leave out the metropolis, there is an indication of opinion that that determination must have been produced through some influence of mine. It would appear to me as if there was an impression that my noble Friend was influenced by some bad motive or other to have the metropolis left out on account of my constituents. As so much has been said about the opinions of my constituents, I will now state to the House the only conversation I ever had with any constituent of mine—certainly a very important personage amongst them—on this subject. In the course of last autumn we took into consideration—with the assistance of the Lord Chancellor—what should be done respecting the Commission of Sewers. He saw that the authority of the Crown enabled us to have a new Commission of Sewers; but there should be an Act of Parliament including the city of London within its operations. The Lord Mayor desired to see me on the subject, and said he wished to ask whether it were the intention of the Government to include the city of London, by bringing in a Bill to include the city of London in the Commission of Sewers with the rest of the metropolis. I said it certainly was the intention of the Government to introduce a Bill for the purpose. "If," he replied, "the Government have made up their minds to introduce such a Bill, we, of the city of London, will give it the most strenuous and determined opposition." That is the only communication I have had with the city of London on this subject. I said, "It is our intention to persevere in that plan of comprehending the city of London in that Commission;" and that certainly did not show any base subserviency on my part. If the hon. Gentleman thinks the city of London ought to have been included in this Bill, he should have condescended to give his reasons for that opinion, rather than repeat imputations which were made last year — which furnished amusement to some persons for about six weeks in the last Session; and which should not be continued in the course of the present Session.

Mr. HENLEY was ready, in case he received an assurance from the noble Lord who had charge of the Bill to consent to have some material alterations made in it in Committee, to vote against the Amendment. He was contented to have a central controlling power; but there was no reason why any central commission should have the power of forming the country into districts. The Poor Law Commission was an instance of great want of judgment in this respect. The next point was, that he thought parishes ought to have the power of originating measures of a sanitary character. This principle had worked well in the Enclosure Bill, and it ought to be imported into the present enactment. Another objection was, that the Bill gave to the Privy Council an unlimited power to repeal all local Acts. This, he maintained, was a novel power—and if not a novel, was at least an unconstitutional and a dangerous power — to hand over to the Privy Council. The same object might be done in a perfectly constitutional manner if they adopted the principle which was embodied in the Enclosure Bill. Surely the noble Lord was not aware of the contents of the Bill he proposed. As it stood, if any fifty of the inhabitants of Yorkshire petitioned the Commission, down came the inspector, and upon his report the whole kingdom might be included, under the Bill, in one district; there was nothing in the Bill to prevent it. All that was to be done was this, to give notice it was their intention to make the application, and parties who objected might send in a written communication to that effect. They might, after the Commission had come to a decision, send in a communication to advise them to alter their judgment; but that, he submitted, was not a satisfactory mode of doing business. Parties liked to bring forward their case before the Judges had come to a decision ; for it was a different thing to get a man to alter his mind, and to submit a statement to him before his judgment was formed. He (Mr. Henley) objected to the mass of patronage which this Bill would give to the Executive Government. Having laid hold of the lawyers, they were now going to lay hold of the doctors and surveyors; and he (Mr. Henley) must say, that he looked with great jealousy on this constant increase of the patronage of the Government. He begged to say, in conclusion, that if he did not receive the assurance which he had required from the noble Lord opposite, he should support the Amendment.

Mr. RICE was willing to trust that the Committee would cut down the power of the central authority, and confer additional powers on the local boards. He trusted, also, that every necessary alteration would be made in the measure in the Committee; and if such alterations were not made, he would oppose the third reading of the Bill. He believed they would not be doing their duty to the country if they did not legislate upon this subject, for he recollected that on the hustings at the last election there was not a more popular question. He represented a large constituency who would feel aggrieved by this Bill in its present form; at the period to which he referred, they did not know what the form of the Bill would be; but he sincerely hoped that an effective Sanitary Bill would be passed. He trusted the Bill would be very much amended in Committee, and that he should be able to support the third reading of it.

Mr. FITZROY was aware of the many glaring defects in the composition of the Bill, and was as anxious as anybody to see the metropolis included in any sanitary measure that was passed; but he believed the most practical and wise course would be this—to vote for going into Committee, and there turn their attention to the amendments that were suggested. He thought a case was made out for introducing some measure of this sort. There were difficulties in the way of any Government introducing such a measure. The local interests brought to bear against them were powerful; and they would be hardly acting a fair and honest part towards the Government, that, at all events, had attempted to grapple with the question, if they did not give them their support, at least to the extent of recognising the principle of the Bill. There were some points on which he had already handed in amendments, namely, with regard to the duration of the Commission and the amendment of the eighth clause; those amendments he would not have an opportunity of discussing except they went into Committee, and he thought the most straightforward course to take was to do so.

Mr. DIVETT said, that this Bill, like its predecessor of last year, was so imbued in every part with an objectionable assumption of power by the Government, that he felt it would be utterly useless to go into Committee, and he therefore gave his most cordial support to the Amendment of the hon. Member for Stafford (Mr. Urquhart). He fully concurred in the opinions of the hon. Member for Dorsetshire as to the high character, both privately and politically, deservedly borne by the noble Lord the Chief Commissioner of Woods and Forests; but he could not divest himself of the belief that the noble Lord was not the man to carry a measure of this sort. It was perfectly well known that the noble Lord had undertaken the important duty of effecting a reformation in the Commission of Sewers chiefly under the advice of Mr. Chadwick, to whom this Bill also would give an important and powerful place. He confessed that the statements made by the hon. Member for Stafford, with respect to what the Health of Towns Association had done, was not, in his opinion, an exaggeration; and if the statements made by that society with respect to other towns were as utterly untrue as they were with respect to the city of Exeter, and other places with which he was acquainted, a grosser system of imposition was never attempted to be palmed upon a benevolent and credulous public. The hon. Member opposite (Sir H. Verney) had said that the measure was a popular one at the hustings; but as far as he (Mr. Divett) was aware, it was quite the contrary, for there appeared to be a great jealousy of the Bill, and a great indisposition to submit to the constant meddling and dictation which might, under this Bill, be expected from the noble Lord and Mr. Chadwick. The electors did not object, it was true, to sanitary improvement; but they did not choose to be ordered how to set about it by the noble Lord. He should not, however, have objected, nor would the country, to a short Bill constituting a central board for the purpose of making inquiry; upon whose report, in cases where improvement was necessary, and there was an indisposition to make it, a Bill might be brought in to enforce it; but the country would never tolerate such arbitrary powers as those conferred by the present Bill. The hon. Member for Stafford had quoted a speech made by the noble Lord, in which there was an expression to the effect that the local bodies which objected to centralisation were those whose neglect of sanitary regulations required punishment, or who had been guilty of gross jobbing. He could not say that there was not as much jobbing in this Bill as in any local body that he had heard of. The right hon. Baronet the Member for Ripon had formerly been very successful in showing what had been the amount of jobbing in the revenue boards, and had been exceedingly eloquent as to the enormous amount of public money received by Privy Councillors. But he believed that the heads of the various revenue boards of this city (headed as they were by as able men as ever existed), assisted by two other individuals, would do the work much better than by the present numerous boards. At the Revenue Board, as at present constituted, there were the brothers and sons of Cabinet Ministers, who had no responsibility at all, and acted as if they tried who could receive the greatest amount of pay for doing the least possible amount of service to the public. He did not wish to pursue the subject further; but he could not help alluding to it, as he feared, from the patronage grasped by the Government in this Bill, that similar jobbing would be carried on. He objected strongly to the attempt made in this Bill to transfer the vast number of private undertakings there were in the country, for the supply of water and gas, to the Commissioners. If Parliament took care, when applications were made for private Bills, to confine the charges to a reasonable amount, these matters were better in the hands of private companies than vested in corporate bodies, and would be managed more economically. If it were practicable in some cases to effect a saving, that saving would be swallowed up in the erection of new and expensive offices, and so forth, in ninety-nine instances out of one hundred. But his greatest objection was, that they converted what was a voluntary tax to a compulsory one, which, under some circumstances, there might be great difficulty in collecting. The noble Lord, in introducing this Bill, had not done it in a business-like or creditable manner. After he had heard all the objections to his Bill of last Session, he had brought in a new Bill some weeks ago; but to-night he had withdrawn that, and introduced a different measure altogether. He (Mr. Divett) had looked over it with very great care, and he had given notice of some amendments in the hope of making it somewhat more practical in Committee; but a further consideration had shown him that its principle of centralisation was so bad and erroneous, that no alteration could make it palatable. He confessed he had been once partial to the system of centralisation, but recent events had shown him its rotten and dangerous character; and he should, therefore, give the Bill every possible opposition.

VISCOUNT EBRINGTON expressed his surprise at the speech he had just heard, and particularly that portion in which the hon. Member, in taking the city of Exeter as his example, had dealt out so sweeping a condemnation of the Health of Towns Association. He was personally acquainted with Exeter, and he attended a public meeting at which the mayor of the city was the chairman, in which it was generally stated that the place was badly drained and badly supplied with water; and he had also lately seen an able report by Dr. Shafto, a native of that city, in which the same facts were stated. With respect to the general question, he thought the importance of the measure could not be overrated, for it was idle to expect any effectual improvement in the educational or religious condition of the poor as long as a majority of the labouring classes were in so lamentable a condition as respected sanitary considerations as at present—so long as they were exposed to the noxious malaria they now resided in for want of a Bill such as this.

Mr. HENRY DRUMMOND was not at any time disposed to throw any opposition he could avoid in the way of measures introduced by Her Majesty's Ministers, and he did certainly think that the lowest classes suffered exceedingly from ill-drained and filthy places of abode; but, at the same time, he could not help thinking that advantage had been taken of this to get up the steam by very interested persons. There must surely be some exaggeration in the statements of the Health of Towns Association, when the noble Lord defended them by saying that it was idle to talk of the moral and religious improvement of the poor, so long as they were exposed to malaria. What had malaria to do with religion? In that highly exaggerated and poetic book the Report of the Health of Towns Commission, he found it asserted that there was a direct connexion between typhus and crime. He thought that this Bill must have emanated from the statistic department of the Board of Trade, for he could not conceive such discoveries could come from any other quarter. Mr. Chadwick had, in that report, made out a coincidence of crime with a low sanitary condition; and that was one of the grounds of this Bill. Could anything be more absurd? There was one fact, however, which should not be forgotten, with reference to these gentlemen who had attacked the competency of the local boards, namely, that they had altogether failed to give proof of their own competency. It was a totally different thing to call other people incompetent, and to show themselves competent. These gentlemen had, however, taken that for granted, though they were never more mistaken in their lives. It was somewhat remarkable that these gentlemen, though so confident in their own ability, seemed to think that the further off home they went, the better they could conduct matters. They took all the towns of England under their protection, except the one they lived in. He disliked exceedingly the principle of centralisation. It was the part that worked the worst of the poor-law system. That principle was the foundation of all the absurdities of the present Bill, and it would be found running through every clause. He had read the Bill very carefully, and all the noble Lord's Amendments; and if those Amendments had appeared to him likely to effect any alteration in this respect, he would have voted for going into Committee. He had made an epitome of the Bill, which he would take the liberty of reading to the House:—Five Commissioners are appointed by the Crown, with secretary, clerks, and servants unlimited; with a seal as a corporation, and an unlimited number of superintending inspectors, the unlimited expenses for all which are to be paid out of the Consolidated Fund, and also the travelling expenses of the said inspectors. They are to write and publish books. There are to be local boards of twenty-seven members each—not confined to towns, but to any extent which they shall call a natural drainage area. Local boards are to have a seal, offices, surveyor, inspector, clerk, treasurer, and as many collectors, officers, and servants as they please, with what salaries, wages, and allowances they please. They are to make underground maps, to be paid for out of rates. The surveyor is to come whenever he pleases into every house, open the drains, make what alteration he pleases, and the owner of the house is to be compelled to pay for it. No business is to be carried on which they call offensive. No court of justice, church, chapel, school, theatre, or place of entertainment is to be built without their leave. All streets are to be vested in this new board, and taken away from the surveyors of highways. The new board may pave, alter, raise, or lower streets as they think fit, and levy rates to pay for the same; they may alter as they please all water and gas pipes; they may purchase houses, provide places of public recreation, erect waterworks, make aqueducts to supply the tops of the highest houses in the district, and compel water companies to supply at their price. They may make special district rates, and also general district rates;

they may set aside the law which now fixes local rates, and put the districts to the expense of a new valuation, to be made by one of their own nominees. They may levy money retrospectively and prospectively, before it is due and after it is due—so that it will be impossible to know when it is done with. They may also levy one or more rates in addition, as private improvement rates, and an additional water rate payable in advance before the water is used—and this rate the local board may raise after it has been struck; they may mortgage the rates for any sums of money they please, and charge any sums upon the rates; and, in addition to a rate necessary for the expenses of the board, they are to raise sufficient to form a sinking fund. [Viscount MORPETH: Who is to do all this?] Your Lordship's Bill. They may make any by-laws they please, punish offenders by penalties for offences against them, and alter these by-laws whenever they please. All local paving, lighting, and water Acts are to be repealed, and compensation given to persons now holding office under them by new rates. Besides being under the orders of the officers created by this Act, everybody is to be still bound by all former laws compelling him to make drains, sewers, &c. General board to bring actions against local boards; all warrants for distress to be equally good, however defective the forms; justices may be both members of the board, and yet decide upon cases of dispute between the boards and other parties (thus deciding their own causes); all claims for redress against officers who have done wrong to be paid not by them, but out of the Consolidated Fund. An Order in Council may annex to any town any portion of the neighbouring country in order to be taxed for draining the town, and an inspector may walk over any lands for the purpose of ascertaining how he can best buy them in to be so taxed without being warned off. He had not considered the subject only for the purpose of finding fault; but he would point out a way in which sanitary improvement might be effected, although it was useless for any private Member of the House of Commons to bring such a plan forward. The Government ought to appoint one single Commissioner only, who should visit towns to decide and order where a sufficient number of main drains are to be cut. The local magistrates should be required to execute this under a penalty, to be levied on the rates of the towns. Each householder should receive orders from the local magistrates to cut a drain from it into the main drain; and if he neglected, then the magistrates to do it, and levy expense on the householder. Any householder should have a right of appeal from the order of local magistrate to the Commissioner. Towns should be visited as nearly as possible in order of the extent of the population. No main drain should be deemed sufficient for the purpose of the Act which has not a stream of water running through it sufficient to prevent an accumulation of soil in it. Local magistrates should inspect houses, and compel the making of proper drains. The hon. Member concluded by denouncing the patronage given to the Government by this Bill, which would have produced from the Ministers the most unceasing condemnation had they been now sitting on the Opposition side of the House, instead of being located on the Treasury benches.

VISCOUNT MORPETH wished to say a few words, in the first instance, in reply to the hon. Member for Oxfordshire, who, while expressing his doubts of some parts of the measure, adverted to its details in so practical and candid a manner that he was in hopes the hon. Member would allow the Bill to go into Committee, in order that they might there discuss together those propositions which the hon. Member had submitted to the House. The hon. Member also asked him if he (Viscount Morpeth) would give way in certain particulars. Now, he was not prepared to say that he was ready to give way upon any of the material provisions of the Bill. At the same time, however, he was ready to enter into a full discussion of all the objections to them, and to consult, as far as possible, the feelings of the House. The hon. Member had first asked him whether he would object to limit the duration of the Commission. In answer to the hon. Member, he begged to say, that as this was a point which did not involve a vital principle of the Bill, it was one which might very fairly be discussed, and settled by the House. The hon. Member particularly objected to the power which was proposed to be given to the superintendents and inspectors, of defining districts. Now it seemed to him, upon a careful consideration of the clauses of the Bill, that there were sufficient precautions taken to insure that all parties should be fairly heard. A properly qualified inspector—an engineer on the spot—was to be appointed to conduct an examination of the measures required. After hearing all parties, and affording every facility for stating objections, he was to set forth in an expository report the benefits which it was proposed to obtain by the new works, including an estimate of the economy of money, as well as of life, and proximate estimates of the expense of the additions to, or of the combinations of the old works or of the new works required. Then there were to be local publications of their report, so as to give parties locally interested full opportunity of being acquainted with what was proposed to be done, and to invite suggestions or objections. The proposed regulation for a local publication would, at all events, enable the townspeople at large to know something more of what was proposed to be done than heretofore. It was also proposed that there should be a full and general hearing and fair consideration of whatever suggestions or objections might be urged for alterations or otherwise in respect to any particular place before the law was put in force there. These, he hoped, would be found to be highly important securities for the proper adaptation of local works. The hon. Member also objected to the mode in which they proposed to deal with local Acts, which he represented as something quite unheard of. He was ready to act upon the hon. Member's own admission, that if they were to have a substantial measure of sanitary reform at all, it would be necessary to deal in some way with local Acts; and, in his opinion, no provision seemed to be more necessary than that the various conflicting jurisdictions should be now vested in one local management. It was not proposed to give the Privy Council the power of arbitrarily settling what local Acts should be repealed. As soon as a district was placed under the operation of this Bill, all local Acts would necessarily be repealed by virtue of this Act. There was an analogous power given in the Municipal Corporation Act, in the case of the local watching boards, whose jurisdictions were transferred to the new corporations. The hon. Member was aware that, by the first draught of the Bill, several appointments were given to the general board. These had all been restored to the local boards, with the exception of the cases of the surveyors and the medical officers, in which strong reasons existed for at least placing the power of approving of those parties in the hands of the general board. It was, he thought, necessary, when they were investing corporations with the new functions and powers conveyed by this Bill, to secure that the surveyors and engineers should be competent and practical persons; and for this purpose it was highly desirable that at least the approval of these officers should be vested in the general board. And so with respect to the officers of health. He did not want to foist these officers upon any district not willing to take them; but as the duties they had to perform might sometimes prove objectionable to the parties for whom they laboured, it was expedient that they should be able independently to discharge their duty without fear or respect of persons. The hon. Member for West Surrey (Mr. Drummond), who at least always propounded what he had to submit to the House in the most lively and amusing manner, had given them what he called a *précis* of the provisions of the Bill. Now, he must say that the hon. Member's *précis* was anything but precise, because he went through an enumeration of almost all the powers and functions of the local boards, and attributed them all to the general board; and, not content with that, the hon. Member had quoted his statements from the original draught of the Bill, instead of from the copy which had been subsequently submitted to the House in an amended form. Sundry sarcasms had been levelled at him in the course of the debate for having introduced so many new clauses. Now, he did not conceal from himself the difficulties of his task. He was perfectly aware of the excessive complication of the interests he had to deal with, and he, therefore, thought it right to give as attentive a consideration as he could to all the suggestions that had been placed before him both by the deputations who had waited upon him, and in the communications he had received by post, and to adopt as many of these as he could without impairing the efficiency of the Bill. He begged to say, that although the enumeration of the particular provisions of the Bill by the hon. Member for Surrey had rather excited the merriment of the House, who seemed to think they were proposed as unheard-of things, the fact was, that almost all the details which the hon. Member went through were now in the course of being carried into effect by local bodies, under various Acts of Parliament, including the corporations of Liverpool and Manchester, and very many others. He did not think a fair interpretation had been given of the powers vested in local boards with respect to ventilation. It was said that no theatre, church, or school, could be built without the previous sanction of the general board. Now, it was quite true that he proposed to give local boards the power of saying that no building which was intended to contain a large number of persons, should be built without being provided with proper means of ventilation—a provision which no one who regarded the health of his fellow-countrymen could surely object to. He was sorry to hear the hon. Member for Surrey casting imputations upon the motives and characters of these men who had exerted themselves in order to promote the health of their fellow-countrymen. He did not say, that there might not be among them—of what large class could it be said that it did not include men who acted from motives of an interested or sordid kind?—but he believed there were among them men as liberal and benevolent and as much devoted to the good of their fellow beings and to the general cause of human welfare and improvement as any cause ever exhibited. The hon. Member for Surrey seemed to ridicule the connexion between filth and immorality, and he doubted the bearing which sanitary reform had upon the moral and religious condition of the people. He could only say—and he said it with pleasure and pride—that such was not the view entertained by the clergy throughout the country. The Bishop of London had set a noble example in calling upon his clergy to assist in promoting a reform which, although to outward appearance it was connected merely with the external circumstances and physical condition of the people, he knew from experience was intimately connected with their moral, social, and religious progress. A few days ago he had received a communication from the Rev. W. Stone, rector of Christchurch, Spitalfields, in which he said—

> "It gives me much satisfaction to direct your Lordship's attention to a very strong sanitary demonstration made yesterday in the vestry-room of my parish of Spitalfields by the numerous clergy of thirteen parishes in this important district of the metropolis. I may add that nothing could exceed the unanimity and earnestness with which so numerous a body of clergy wished success to the sanitary provisions submitted to the Legislature by your Lordship, with which they hoped for the abolition of inefficient local self-government, and the substitution of systematic sanitary administration subject to the inspection of Government and the control of the Legislature. I earnestly trust, with my clerical brethren in this important district, that our example may operate, as we all expressed ourselves, in leading to similar demonstrations elsewhere, and in stimulating the exertions of a body of men, who like the clergy, have such opportunities of knowing the sanitary wants of our crowded populations, and who, from their independent position, must carry the weight of disinterestedness and benevolence in wishing to see those wants adequately provided for."

He believed that this was the opinion of the great body of the clergy, not only in the metropolis, but throughout the country. He had the satisfaction of stating that, though a proposition to postpone the Committee for six months had been brought forward by the hon. Member for Stafford (Mr. Urquhart), yet the same feeling was not shared by a large, and perhaps the most enlightened, class of that hon. Gentleman's constituents. A petition had been placed in his hands which contained the following statements:—

> "The humble petition of the undersigned inhabitants of the borough of Stafford, and neighbourhood, showeth—That a high rate of mortality and sickness exists in the town and neighbourhood of Stafford, causing a largely increased and increasing amount of poor-rates, of crime, of misery, and demoralisation."

These benighted people, it seemed, were not so blind to the connexion between physical and moral evils as the hon. Member for Surrey. The petition proceeded:—

> "That your petitioners have reason to feel convinced that this ratio of mortality and sickness might be very materially lessened were proper sanitary regulations enforced. That powers which are said to exist for the removal of many acknowledged sources of ill-health are not exercised. Your petitioners, therefore, do humbly beg that your hon. House will please to pass into a law a Public Health Bill, whereby boards and other public bodies may not only be empowered, but also compelled, to carry out effective sanitary improvements, as these may be found suitable, in the different localities and districts over which they preside. Your petitioners view with anxious alarm the awful amount of wretchedness, moral degradation, and crime, proved to exist in our labouring population, in most instances arising in a great measure from a neglect of these improvements by existing local authorities, possessing power to effect them."

Such were the terms of the petition; and he had been informed that it was signed by all the clergy and all the ministers of different denominations in Stafford, by all the medical gentlemen with one exception, by the late mayor, and by a majority of the aldermen, together with a large proportion of the town-council; and, in fact, by a majority of the respectable inhabitants, who fairly represented the feelings of the chief ratepaying inhabitants of the borough. But it was not upon the feelings of clergymen, or of medical men, or of corporators, that he would mainly rely for the favourable acceptance of this measure. He believed this Bill to be eminently and essentially the Poor Man's Bill—the Working Classes' Bill; and he conceived that the House could not inflict a more severe disappointment or a more mortal mischief upon those classes than by acceding to the Motion of the hon. Member for Stafford; and thus, in all probability, postponing any practical legislation on the subject for the present Session at least. He wished—although he desired to avoid troubling the House at unnecessary length at that late period of the evening—to offer a few remarks upon the much-vexed question of centralisation, which had been so much dwelt upon, and which he thought was so little understood. He must say, that he believed no one could have a stronger attachment and admiration than he had for the principle and habit of local administration, or, in other words, of self-government, which so much distinguished English political life. He conceived that principle to be among the most prominent causes, and the main preservatives of much that was valuable in the order of things established in this country. He had always endeavoured to act upon that impression; he had even taken his part in public life with those who wished to deepen and widen the foundations of our municipal institutions; he voted for the English Municipal Reform Bill—he believed he was three times beaten upon the question—and afterwards carried as much as he could of the Municipal Corporation Bill for Ireland. He thought, therefore, he had certainly not shown himself backward in doing what he could to promote the extension of the rights of corporate bodies. It was undoubtedly the intention of this Bill—and he still believed as certainly that it would be its practical result—to carry further, to employ upon fresh objects, and to direct to higher aims, the existing functions of the municipal corporations of England. This Bill, which some members of corporations seemed to fancy would be adverse to the functions, and derogatory to the dignity of corporate bodies, would confer powers of sewerage, of draining, of cleansing, and of paving, upon ninety-two corporate towns which were at present entirely without any such powers. It would confer the same powers of cleansing, sewerage, draining, paving, and providing a supply of water upon 158 corporate towns which had no such undivided powers at present. These were the statistics—this was the *précis*—of the corporate towns of England; and he believed that many hon. Gentlemen were not aware how necessary it was to intrust the corporate bodies of those towns with the new powers which this Bill proposed to confer upon them. There were at present only twenty-nine English municipal corporations which had local Acts under the mayor and corporation exclusively; there were sixty-six corporations exercising powers jointly with commissioners; there were thirty towns in which the corporations had no powers at all, but where the powers were exercised independently by commissioners; and there were sixty-two corporate towns which had no local Acts whatever within the boundaries of the municipalities. Of the other towns in England, not being corporate towns, to which this Act might apply, there were 107 having local Acts; and there were 276 towns or populous districts, containing above 5,000 inhabitants, without either corporations or local Acts. Upon those towns this Bill would confer powers which they had never yet enjoyed in any way. He might also mention that there were in England 175 towns, containing above 5,000 inhabitants, which had local Acts, and 296 which had no local Acts at all; and it was upon these 296 towns which had no local Acts, and upon the 158 corporate towns which had at present either no powers at all, or divided powers, that this Bill would, for the first time, confer the exclusive power within their boundaries of cleansing, sewering, paving, and providing a supply of water. But while he was thus fondly fancying that he was attributing fresh value and adding fresh activity to the functions of municipal corporations, he certainly at the same time wished to introduce a limited amount of central superintendence. In a speech which he had formerly made on this subject, and to which the hon. Member for Stafford had referred, he had defined what he thought ought to be the limits and the objects of that State superintendence. He had said that he considered it ought to be used in providing necessary preliminaries, in suggesting useful methods, and in checking manifest abuses. The House seemed at the time inclined to acquiesce in that view. It was true that he had since been assailed by a host of criticisms, complaining that in many cases he had not confined himself to what was desirable or modest on this head. He had, therefore, felt it his duty not only to attend to all the suggestions which reached him, but to take into counsel two or three of the most practical men whose aid he could obtain. Much as he respected his coadjutor (Mr. Chadwick), to whom the hon. Member for Exeter had referred, and who had rendered uniform good service on this subject, he might state that that gentleman was not one of those whose advice he had taken; but he had selected two or three practical persons in that House and out of it, who had considered the measure, and had endeavoured to put it in such a shape, that while the objections which had been urged against it could be met, it would still retain its original efficiency. Now the amount of central interference, which was really at present confined to a very few items, was intended to operate with regard to advising the original formation of the districts, without which the Bill could hardly be applied; to considering disputed questions, which might be referred by local boards, and arbitrating upon them; to retaining some power of interference upon points on which it was considered desirable to enforce an uniform procedure; and to deciding upon some works of great magnitude—which he considered was a power that afforded a fair protection to the ratepayers, and which he should have thought the local boards themselves would not have been unwilling to refer to an independent, an impartial, and a competent tribunal. Another power which would be given to the central authority was the auditing of the accounts, which he thought would impose a very necessary and salutary check. He could only say, as he had already intimated, that if it could be shown in the progress of this Bill through Committee, that the points of interference exceeded these limits, and if such interference could be still further safely dispensed with, he would be prepared to give the most candid attention to any suggestions that might be made on the subject. Some persons objected to the particular agency with which the central interference was to be exercised, and said they would prefer one officer of State to the appointment of one or more commissioners; but that was a point which might, perhaps be most satisfactorily discussed when they came to the clause in Committee. Allusion had been made to a publication which had been issued by the Health of Towns Association. He was not at all acquainted with the circumstances under which that publication was concocted and issued. He admitted at once that an anonymous communication could never have the same authority as one to which the name of the communicant was attached; while he believed the name of the contributor would generally have attached greater weight to the communication. He certainly did not wish to make those discussions a vehicle for attack or abuse, or anything of an offensive nature. Their common object was to consider how best to overcome the prevalence of disease, to narrow the bounds of death, and to promote human happiness and comfort. In carrying out measures of sanitary reform, their object was to do it as cheaply as they could, but above all to do it as effectually as they could. Year after year there were men whose lives were daily and hourly falling victims to the neglect of sanitary regulation. It was very well to talk of the rights of Englishmen. He wished them to be respected and vindicated. But some attention was due also to the lives of Englishmen; and so far, while he believed this Bill would be found most justly to deserve its name of "a Bill for promoting health," it might with almost equal accuracy and truth be termed a Bill for consolidating, strengthening, and making more effectual the functions of local bodies in the various municipal towns of England and Wales. With this confidence he did hope the House would not refuse to go into Committee on the Bill, with the view of considering whether it could be amended, whether further improvements could be effected, but at all events whether a measure ought not to be adopted which had for its object to proper the sanitary condition of the people of this realm.

Mr. BUCK regarded the Bill as of a most unconstitutional character. Not less than 100,000*l.* had been recently expended for these purposes in the city of Exeter —10,000*l.* upon sewerage alone; and he did say, when such a sum had been expended for the benefit of the industrious and working classes, that no stigma should be cast upon a city which had so acted. He thought this matter might safely be left in the hands of the local boards; and certainly he, for one, was not prepared to send down Commissioners into the towns of England with lavish and extravagant salaries to do that which could be better done without them. Really, when the hon. Member for Montrose was advocating retrenchment, it would be worth his while to look at the expenditure lavished upon the Commissions of this country. Let them look at the Railway Commission, and to the Poor Law Commission, too. He believed that if this latter Commission had not been created, there never would have been that opposition to the poor-law in this country which there had been. He was opposed to every kind of Commission, and if this Bill proceeded any further, the moment the appointment of the Commissioners was proposed, he should divide the House upon the question, because he was sure it was against the general feeling of the country that the power proposed by the Bill should be given to Commissioners. As a friend to sanitary improvements, he should adopt the course of his hon. Friend the Member for Dorsetshire, and say that until such a Bill was introduced as he, as the representative of one of the largest agricultural constituencies, could support, he should never again vote for any Commission whatever.

Mr. H. BERKELEY was very much astonished to hear the Bill described as unpopular in the country. In the city he had the honour to represent, it was extremely popular. The only matter for astonishment was, that the city of London was exempted from the operation of this Act. He contended that, if there was one part of the country which required sanitary reform, it was the city of London. The state of London was appalling. The House had a right to know what measures were proposed by the City. He thought that a proposition for effecting sanitary reform in the city of London should have been contemporaneous with this measure; and not only with reference to the city, but to the metropolitan boroughs. He thought it became the Government of the country, when proposing a measure of this kind, to bring London (the place, above all others, that demanded improvement) within these sanitary regulations. He should vote for this Bill going into Committee; but he trusted that the noble Lord would, without any further delay, inform the House what those other Bills were which they said they intended to introduce in respect to the metropolis.

The Earl of LINCOLN would not have risen, but for the remarks made relative to the metropolis. It had been urged by some hon. Gentlemen that the Bill should not go into Committee if the metropolis was excluded from it; and the hon. Gentleman who had just sat down had spoken as if the sanitary state of the metropolis had never been investigated by Committees or Commissions, and as if he had doubts whether it was the intention of the noble Lord to bring in a measure including the metropolis. Now, he thought the hon. Gentleman had an entirely erroneous impression as to what the intentions of Government were; and he was bound in fairness and candour to say, that he was one of those who last year told the noble Lord that he was wrong in including the metropolis in the Bill which he then brought forward, and that he ought to introduce a separate measure framed for the metropolis alone. He then stated, that he believed the legislation which was suitable for other towns was not fitted for this enormous metropolis, with 2,000,000 of population; and he now considered that, so far from its exclusion being a reason why they should not go into Committee, it was a reason why they should the more readily so so, because they were more likely to arrive at a good practical conclusion with regard to the Bill when it was disencumbered of those complications which must always be experienced in considering a question of the kind for the city of London. He would vote for going into Committee with the most entire confidence that the noble Lord would not neglect the metropolis, and that he would feel himself bound to introduce a measure for embracing it as soon as possible. Another objection to going into Committee was the introduction of a central board of management into the Bill. Last year he stated his belief that the principle of centralisation was carried too far in the measure of the noble Lord, and he objected to the constitution of the Board of Commissioners. On that question he was prepared again to explain his views at the proper time; but he certainly did not see that it was any reason why they should not go into Committee. The noble Lord himself had removed such an objection by stating that he considered the question an open one. It appeared to him, that he was ready to receive any suggestions that might be made on the subject of a central body, not only with reference to its powers, but also with regard to its constitution; and therefore he would on that ground willingly vote for going into Committee. He thought they would be falsifying all those expectations which they had held out to the country if they refused to go into Committee, merely because they saw that the question was involved in difficulties, and that there were objections to some of the details of the Bill. The hon. Member for Oxfordshire had suggested that the plan of the Enclosure Act should be followed out with regard to the local Bills; and on this point he wished to put the noble Lord right in reference to an omission which he had made while adverting to the topic. It was true that the local Acts were repealed by the Bill, and were not proposed to be repealed by the Queen in Council; but there was a more dangerous provision than even giving the Queen in Council the power referred to. It was provided that as soon as the Bill was brought into operation by the Queen in Council, power was given to the Privy Council to revive such portions of those local Acts as were repealed by this Bill as they might think fit. Now, the principle of giving the Queen in Council such a power to repeal an Act of Parliament, and to revive Acts that had been repealed by the Legislature, was a very dangerous thing indeed, and he hoped would not be persisted in.

MR. SPOONER moved that the debate be adjourned. It would be impossible to complete the fair discussion of the Bill that night. For himself, admitting as he did that something ought to be done for the improvement of the sanitary condition of this country, he considered that the manner in which it was proposed to be effected, and the principle of this Bill, as well as the details, were so objectionable that it never could be carried out in its present shape.

The EARL of LINCOLN had sat down simply because, though interrupted by but a very few hon. Members, he felt that he was not keeping the promise he gave. He would reserve to a future occasion what he had further to say.

The House divided on the question, that the debate be adjourned:—Ayes 54; Noes 229: Majority 175.

List of the AYES.

Alexander, N.
Archdall, Capt. M.
Arkwright, G.
Baldock, E. H.
Bennet, P.
Bentinck, Lord G.
Bentinck, Lord H.
Broadley, H.
Brooke, Lord
Buck, L. W.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Coles, H. B.
Cubitt, W.
Divett, E.
Duke, Sir J.
Duncan, Visct.
Duncuft, J.
Egerton, W. T.
Farnham, E. B.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fuller, A. E.
Granby, Marq. of
Gwyn, H.
Haggitt, F. R.
Harris, hon. Capt.
Heald, J.
Henley, J. W.
Hildyard, T. B. T.
Hodgson, W. N.
Hood, Sir A.
Hope, Sir J.
Hornby, J.
Humphery, Ald.
Law, hon. C. E.
Locke, J.
Masterman, J.
Muntz, G. F.
Newdegate, C. N.
Pattison, J.
Pearson, C.
Rolleston, Col.
Sibthorp, Col.
Sidney, Ald.
Somerset, Capt.
Stuart, Lord D.
Stuart, J.
Urquhart, D.
Waddington, H. S.
Walsh, Sir J. B.
Williams, J.

TELLERS.

Bankes, G.
Spooner, R.

List of the NOES.

Abdy, T. N.
Acland, Sir T. D.
Adair, H. E.
Adair, R. A. S.
Anson, hon. Col.
Armstrong, R. B.
Arundel and Surrey, Earl of
Ashley, Lord
Bagshaw, J.
Baines, M. T.
Barkly, H.
Baring, rt. hn. Sir F. T.
Bateson, T.
Beckett, W.
Bell, J.
Bellew, R. M.
Benbow, J.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernard, Visct.
Blackall, S. W.
Boldero, H. G.
Bouverie, hon. E. P.
Bowles, Adm.
Bowring, Dr.
Boyle, hon. Col.
Brand, T.
Brisco, M.
Brockman, E. D.
Brotherton, J.
Browne, R. D.
Bunbury, E. H.
Burroughes, H. N.
Busfeild, W.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, W. G.
Cayley, E. S.
Chaplin, W. J.
Clay, J.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clive, H. B.
Cobbold, J. C.
Cobden, R.
Cockburn, A. J. E.
Cocks, T. S.
Coke, hon. E. K.
Colvile, C. R.
Corry, rt. hon. H. L.
Courtenay, Lord
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Cripps, W.
Dalrymple, Capt.
Dashwood, G. H.
Davie, Sir. H. R. F.
Denison, W. J.
Denison, J. E.
Dodd, G.
Douglas, Sir C. E.
Duff, G. S.
Dundas, Adm.
Dundas, Sir D.
Du Pre, C. G.
Ebrington, Visct.
Emlyn, Visct.
Estcourt, J. B. B.
Evans, J.
Farrer, J.
Filmer, Sir E.
FitzPatrick, rt. hn. J. W.
Fitzroy, hon. H.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Frewen, C. H.
Galway, Visct.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goddard, A. L.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, J.
Greene, T.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hamilton, G. A.
Hanmer, Sir J.
Hawes, B.
Hay, Lord J.
Headlam, T. E.
Heathcote, J.
Heneage, E.
Henry, A.

Herbert, H. A.
Heywood, J.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hollond, R.
Hope, H. T.
Horsman, E.
Howard, hon. C. W. G.
Howard, hon. J. K.
Howard, hon. E. G. G.
Hume, J.
Jackson, W.
Jervis, Sir J.
Johnstone, Sir J.
Keppel, hon. G. T.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lascelles, hon. E.
Lascelles, hon. W. S.
Lennard, T. B.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Mackinnon, W. A.
Macnamara, Maj.
Maitland, T.
Manners, Lord C. S.
Marshall, W.
Martin, S.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Miles, P. W. S.
Mitchell, T. A.
Monsell, W.
Morgan, O.
Morpeth, Visct.
Morris, D.
Mulgrave, Earl of
Mure, Col.
Norreys, Lord
Ogle, S. C. H.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Capt.
Perfect, R.
Pigott, F.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Power, N.
Powlett, Lord W.
Raphael, A.
Rawdon, Col.
Rendlesham, Lord
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Sandars, G.
Scholefield, W.
Scrope, G. P.
Seymer, H. K.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Smyth, Sir H.
Stafford, A.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Stuart, H.
Sturt, H. G.
Sullivan, M.
Talbot, C. R. M.
Talfourd, Serj.
Thesiger, Sir F.
Thicknesse, R. A.
Thompson, Col.
Thompson, Ald.
Thornely, T.
Towneley, C.
Towneley, J.
Townshend, Capt.
Turner, E.
Tynte, Col.
Verney, Sir. H.
Villiers, hon. C.
Vivian, J. H.
Wall, C. B.
Walmsley, Sir J.
Ward, H. G.
Welby, G. E.
Westhead, J. P.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.
Wyld, J.
Wyvill, M.
Yorke, H. G. R.

TELLERS.

Tufnell, H.
Hill, Lord M.

After some conversation, however, the debate was adjourned.

House adjourned at One o'clock.

* * *

HOUSE OF LORDS,

Monday, May 8, 1848.

MINUTES.] *Took the Oaths.*—The Earl of Derby; The Lord Fingall took the Oath prescribed by the Act of 10th George IV. to be taken by Peers professing the Roman Catholic Religion; The Lord Moore.

PUBLIC BILLS.—1ª Insolvent Debtors (India); Poor Removal.

Reported.—Indemnity.

PETITIONS PRESENTED. By Lord Campbell, from the Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for an Extension of the Privileges of the Benefit Societies Act to that Order.—By Lord Dacre, Lord Monteagle, the Bishop of St. David's, and the Earl of Stafford, from Ayr, and various other Places, in Favour of the Jewish Disabilities Bill.—By the Duke of Buccleuch, and the Earl of Eglingtoun, from Exeter, and various other Places, for the Removal of the Jews' Disabilities.—From the Parish of Clarendon, and Kingston, Jamaica, complaining of the Measures recently adopted in regard to Colonial Produce, West Indies.—From Mohill, and various other Places, against the Present System of National Education, Ireland.—From the Members of various Presbyterian Congregations, for facilitating the Attainment of Sites for Churches (Scotland).—From the Members of the Bath Church of England Lay Association, for Increasing the Number of Bishops and Clergy.—From the Royal College of Surgeons, Edinburgh, in Favour of Registering Births, &c. (Scotland).—From the Pershore Temperance Society, for the Enactment of Sanitary Measures.—By the Earl of Eglintoun, from the Chamber of Commerce and Manufactures, Glasgow, against any Alteration of the Navigation Laws.—From Warborough, Market Drayton, and Galashiels, against the Sale of Intoxicating Liquors on Sundays.—From the Members of several Lodges of the Nottingham Order of Odd Fellows, for the Insertion of a Clause by which their Surplus Capital may be Invested in Savings Banks.—From the Vicar of Bowden, and Others, against the Diplomatic Relations, Court of Rome, Bill.

DIPLOMATIC CORRESPONDENCE (SPAIN).

LORD STANLEY said, he was compelled to interpose for a few moments between their Lordships and the business before them, for the purpose of calling their attention again to the subject of discusssion on Friday last. Since then the Government had laid upon the table the correspondence with the Spanish Government, which was referred to upon that occasion, and their Lordships had had an opportunity of perusing it. He had no intention of making any specific Motion on the subject, unless it were necessary that he should do so as a matter of form, in which case he would conclude with a Motion for a return of Papers; but he hoped he should not be considered as unduly trespassing on their Lordships' time, if, after perusing that correspondence, he ventured to offer some observations as to the impression which that correspondence had produced on his own mind. In regard to that which had at first appeared to be the leading feature of the case, namely, the publication through the columns of an Opposition journal, either by the authority, or with the connivance, or by the negligence of the British Minister, of the despatch of the British Secretary of State for Foreign Affairs, before it had been presented to the

Spanish Government, he could not believe, after reading the letter of Mr. Bulwer to the Duke de Sotomayor, that that despatch, or anything approaching to it, had found its way into a Spanish Opposition paper; and he believed that the Duke de Sotomayor himself must now be satisfied that he was mistaken in this respect. He believed, moreover, that there had been no mutilation of that document whatever, and that it was a verbatim copy of that which was transmitted to the Spanish Government. The letter of Lord Palmerston began—

> "Sir—I have to instruct you to recommend earnestly to the Spanish Government and to the Queen-Mother, if you have an opportunity of doing so, the adoption of a legal and constitutional course of government in Spain."

Now, the words "opportunity of doing so" clearly were not intended to apply to anything more than making a communication to the Queen-Mother; and Lord Palmerston's instructions to Mr. Bulwer were to recommend a certain course to the Spanish Government, and to the Queen-Mother also, if he had an opportunity of doing so. At the same time the noble Marquess appeared to have been under a singular error the other day. He admitted the original publication of this letter in some improper manner; he did not know how the French newspaper got hold of it, and suppressed material words. If they were to believe the statement of the newspaper itself, the first time this correspondence appeared in the columns of the *Presse* was on the 24th April; but the date of its appearance in the *Clamor Publico*, as stated in the Duke of Sotomayor's letter, is not the 24th, but the 10th April. It is therefore impossible that the Duke of Sotomayor's letter, remonstrating against the publication of the letter in the *Clamor Publico*, can have any reference to the publication in the *Presse*. Now, Mr. Bulwer had, in transmitting that instruction to the Spanish Minister, omitted that part of the instruction which applied to the application to be made to the Queen-Mother, and transmitted so much of the remark of Lord Palmerston as desired him to press earnestly on the Spanish Government the views of the British Government. At the same time that this was a point of very inconsiderable importance, he could see the material bearing which it had upon that part of the case; but what he wanted to call their Lordships' attention to, as it appeared upon this correspondence, was the very material discrepancy which appeared to have existed—first, between the views of the British Minister in Spain, and the noble Lord the Secretary of State for Foreign Affairs; and, next, the wide and inexplicable difference of opinion which appeared to exist between the Secretary of State for Foreign Affairs and his Colleagues in the Government. Lord Palmerston directed the British Minister in Spain to recommend earnestly to the Spanish Government the adoption of a legal and constitutional course of government in Spain; and then he went on to state the reasons why it was desirable to adopt a legal and constitutional course of government. What was the reply of the Duke of Sotomayor? That at that time Lord Palmerston had no right to make the recommendation, for the Government was constitutional; that at that time the Cortes were sitting; that the press was free; that the course of government was of a conciliatory character; they were strictly following a legal and constitutional course of government. Pressed by that argument, what was the answer of Mr. Bulwer, which they had now for the first time received. He admitted the justice of the answer; he said—

> "It is perfectly true that the remarks I enclosed from Lord Palmerston were written at a time when the Cortes were yet sitting, and when the Government had not as yet committed any of those acts which had recently characterised its conduct, They were, therefore, merely in contemplation of the possibility of such a state of things as his Lordship thought might arrive."

But where was the foundation for that assumption in Lord Palmerston's despatch? Lord Palmerston said nothing of the state of things which might arise; he said, "I desire you to impress upon the Spanish Government as soon as you shall have an opportunity;" and of course with reference to the state of things that existed at the time when the instructions were given, and not with reference to a state of things which did not exist, was not existing, and there was no reason to suppose would exist. He gave instructions with reference to the actual and not the future state of things; and Mr. Bulwer was compelled to say, "I admit, then, that it was legal and constitutional; now it is not, and now I take the opportunity of doing that for which, in my judgment, the time has arrived." There was thus a discrepancy between the Minister and the Secretary of State; but the most important fact was this—and it was one upon which their Lordships and the country would expect to have a full and explicit explanation—he meant the difference which had subsisted, and which, so far as they knew, did subsist, in the view taken by the different Members of Government of this same transaction. When he took the liberty the other night of adverting to the correspondence and its tone, he much mistook the noble Marquess; his ears very much deceived him if he did not understand him to rest the whole of the case on this fact, that the letter of the Secretary of State, as a communication to a foreign Government, was an indefensible letter, and one which ought not to have been sent; that, in point of fact, it was a private letter, addressed to the British Minister for his private guidance, and not intended to be shown; and, with every respect to the discretion and experience of Mr. Bulwer, the noble Marquess the President of the Council, speaking on behalf of the Government, said explicitly and frankly to their Lordships, that he lamented the course which had been taken. "Lamenting" was the word used by the noble Marquess; and when the leading Minister in the House of Lords stated that he "laments" the course pursued by the representative of the Crown, it was a way of stating, in his judgment, that the proceeding was not justifiable, and he passed a censure on the course pursued. He (Lord Stanley) had expressed a doubt before, whether the original letter of the Secretary of State for Foreign Affairs had been seen, before it was sent, by the noble Marquess, by the noble Earl near him, or by the noble Lord at the head of the Government, or other Members of the Government. And, in fact, it appeared, though it would seem almost incredible, that the noble Marquess, when he spoke on Friday night, was not cognisant of the contents of the papers which he was about to lay upon the table of the House. He was not cognisant evidently of the fact, that in the course of that correspondence the conduct of Mr. Bulwer, which the noble Marquess said he "lamented," had received the cordial and entire approbation of Her Majesty's Government. This really appeared to be so incredible, that if he did not bring the whole case before their Lordships, they would think that he was not stating facts. The letter of Sir H. Bulwer was dated the 7th of April, and there was a subsequent despatch of the 11th. Then there was a letter of Lord Palmerston of the 19th, and a despatch of the 20th. The letter of Lord Palmerston of the 19th was very short: it said—

> "Foreign Office, April 19, 1848.
>
> "Sir—With reference to your despatch of the 10th instant, I have to inform you that Her Majesty's Government approve the language which you held to Queen Christina on the 4th instant, pointing out to Her Majesty the importance of governing Spain by constitutional means; and that Her Majesty's Government likewise approve of the note which you addressed on the 7th instant to the Spanish Minister for Foreign Affairs, offering similar counsel to the present Ministers of Her Catholic Majesty.—I am, &c. "PALMERSTON."

Their Lordships would observe that Lord Palmerston said, not "I myself, the Secretary for Foreign Affairs," but "Her Majesty's Government," approve of the note which you addressed to the Spanish Minister for Foreign Affairs. He would leave it to the noble Marquess to explain the discrepancies which appeared upon the face of that letter. The letter of the 20th April contained remarks somewhat stronger. The letter of the 11th, from Mr. Bulwer, included also a despatch from the Duke of Sotomayor, in answer to Mr. Bulwer's communication of the 7th; and he must say, that Lord Palmerston's answer to that communication was one of the most extraordinary productions that he had ever read. He commenced—

> "Foreign Office, April 20, 1848.
>
> "Sir—I have received your despatch of the 11th instant, with its inclosures, and I have to instruct you to state to the Duke of Sotomayor, that Her Majesty's Government entirely approve the step which you took in making your communication of the 7th inst., and likewise of your note of the 12th.
>
> "That Her Majesty's Government, however, are not at all offended, either by the sending back of your communication of the 7th of April, or by the angry tone and language of the Duke of Sotomayor's note of the 10th, however they may regret the existence of those feelings in the minds of the Spanish Government, of which the language of his Excellency's note, and the return of yours, were proofs."

Here, then, was not only the approval of the Foreign Minister of that of which the noble Marquess disapproved — of that which the noble Marquess said was a proceeding not likely to conciliate the Minister of Foreign Affairs in Spain; but it authorised Mr. Bulwer to inform the Duke of Sotomayor that Her Majesty's Government entirely, wholly, absolutely, fully approved of the steps which he had taken, and thus threw upon Her Majesty's Government the whole responsibility of the language, the time, and the manner of the communication made by Mr. Bulwer. He would not comment upon this remarkable letter, except to say, that, whereas upon the one hand the noble Viscount had taken the course by which he had involved the Government in the responsibility of most offensive proceedings; on the other hand he had evinced the most Christian principle of forbearance and forgiveness; one which he confessed appeared to him to be little consistent with the dignity of a great Power carrying on a diplomatic correspondence with another country. The noble Viscount had had his despatch returned as unworthy to be received: he had such an insult put upon him as no one gentleman could receive from another, and such as he believed no other country had ever before suffered. Not only that, however, but the noble Viscount had told the Duke of Sotomayor that Her Majesty's Government are not at all offended. They get themselves kicked, and then add, "I beg to say, that I entirely approve of the steps by which you have brought that result upon us, and I beg you to tell the person who kicked us that I am not in the least offended by the result." In private life such a procedure would not be tolerated for an instant; in diplomatic life it would be ludicrous were it not melancholy to contemplate. This was the most absurd termination to the most inconceivably imprudent step that he had ever heard. The noble Viscount was not offended at his despatches being returned to him. For a space of twenty-nine lines the noble Viscount supposed cases which had not occurred between Spain and England; and instead of taking the course which such an insulting return of his despatch demanded, the noble Viscount concluded by reminding the Spanish Minister for Foreign Affairs that under certain circumstances, and unless Great Britain had interfered to maintain the present Queen of Spain upon the Throne, the Minister for Foreign Affairs in that country might himself have been a proscribed exile in a foreign country. This stroke of generosity, he admitted, he had read with the greatest regret. He saw no prospect of a satisfactory issue on the part of the noble Viscount to a correspondence so conducted. He believed it to be his duty to call their Lordships' attention to the facts as they existed on the face of the documents laid before Parliament; and he thought their Lordships had a right to know whether the course and conduct of Mr. Bulwer in presenting this note, as it appeared by the statement of the noble Marquess the other night, was considered an imprudent course by Her Majesty's Government, or whether the noble Viscount was justified in stating that it had the entire and cordial approval of Her Majesty's Government.

The MARQUESS of LANSDOWNE, who was very imperfectly heard, was understood to say, that the noble Lord had not put an entirely correct construction upon what had fallen from him on Friday night. Undoubtedly, judging of the circumstances in this country, he did regret that the communication in question had been made to the Spanish Government. He at the same time stated that he could not but suppose that Mr. Bulwer, from his knowledge of the country, and from his talents in conducting public business, must have had reasons for making that communication at the time he did, which rendered it imperative upon him so to act. Unless Mr. Bulwer had been instructed to convey to the Duke de Sotomayor the approbation of Her Majesty's Government, it would have been equivalent to an expression of the disapprobation of Her Majesty's Government of his conduct, and must have been followed in fact by his recall—a step which Her Majesty's Ministers were not prepared to determine upon, and wisely so, in his opinion, considering the language of the despatch of the Duke de Sotomayor. He knew, however, from what had subsequently taken place, that there had been a removal of all unpleasant feeling between the parties. The noble Lord, in an early part of these proceedings, had stated that this communication was made at a period when violent measures for adopting a more arbitrary form of government had not been taken, and he supposed it was intended to prevent the adoption of those measures; but it might have occurred to the noble Lord that it was intended to give to Mr. Bulwer a discretion, in the exercise of which he might possibly avert the adoption of those measures which were subsequently taken, and which the noble Viscount was justified in apprehending would be taken. There must have been something to lead the noble Viscount to believe that such was the course Spanish proceedings would take; and from the danger of such a course, he was justified in the advice tendered. That advice was in the spirit of goodwill to the Spanish nation, with an anxiety for the peace of that country and the strength of the Government, and not with any desire to interfere in their affairs beyond that of promoting their prosperity. And he again said, after what had taken place between these parties, though the circumstances were, as he fully admitted, of a painful character, yet the result had justified the apprehensions of his noble Friend. But it was a source of satisfaction to him to consider that there was now a spirit of amity between the parties, which he believed had resulted from the line of conduct Mr. Bulwer had pursued. His recall from Spain was not demanded; and he (the Marquess of Lansdowne) therefore trusted that their Lordships would not renew a controversy with respect to the merits of this proceeding, which could only end, on one side or the other, in imputations upon parties that were unnecessary.

The EARL of ABERDEEN: My Lords, your Lordships have heard the explanation of the noble Marquess of the discrepancy which appeared between the declaration he made on Friday night, and that which has been laid before your Lordships in the correspondence, with respect to Mr. Bulwer and the Spanish Government. I do not know that it is necessary to make any observations on the explanation of the noble Marquess further than this—that, if I collect nightly, the noble Marquess still does not share in the entire approbation conveyed in the despatch of the noble Viscount of the steps that had been taken; but I entirely agree with the noble Marquess that it would be most unjust to Mr. Bulwer to abandon him in this matter, for Mr. Bulwer has not only not acted in contradiction to his instructions, but he has acted undoubtedly according to the spirit of those he received. Mr. Bulwer is a most able servant of the Crown, and I have no doubt whatever that he knew perfectly well what he was about when he made that communication to the Duke de Sotomayor: he knew what, indeed, he appears to have felt with perfect confidence, that he should meet with the approbation of this Government; and when the noble Marquess says that the despatch left it to Mr. Bulwer's discretion whether he should make this communication to the Spanish Government, surely he cannot have read the despatch with grammatical correctness, or he would see that the interpretation put upon it by my noble Friend is the only one it would bear if read in the common-sense manner it required. The only omission I see is a comma after the words "Spanish Government." If that were inserted, there would have been no doubt about the matter. Whether, indeed, that ought to have been there or not, I cannot say; but if it had been, no doubt would have remained upon the correct interpretation to be put upon it. The despatch of the noble Viscount says—

> "I have to instruct you to recommend earnestly to the Spanish Government and to the Queen-Mother if you have an opportunity of doing so, the adoption of a legal and constitutional course of government in Spain."

Now, Mr. Bulwer had no reason to seek an opportunity of communicating with the Spanish Government. He had a right to communicate with the Spanish Government—it was his duty to do so; but he had no right to approach the Queen-Mother, and therefore he was to seek the opportunity of speaking to Her Majesty; and accordingly Mr. Bulwer in his despatch goes on to say—and this is evidence that he acted under the instructions of the noble Viscount—

> "In conformity with your Lordship's instructions, I took the opportunity of speaking on Tuesday morning with the Queen-Mother."

Consequently Mr. Bulwer correctly interpreted this despatch by the communication he made; although he was not in so many words directed to make, he knew that he should be fulfilling the wishes of his chief by making the communication in the manner he did. The noble Marquess says the approbation conveyed to Mr. Bulwer was in order not to give to the Duke de Sotomayor a triumph after the communication he had received. That might be an answer that would do very well if the noble Viscount had received any knowledge of the letters of the Duke de Sotomayor. But your Lordships will see that the approbation was expressed by the noble Viscount before he had any knowledge of the existence of that letter; because the despatch of the 19th of April has no other object than to express the approbation of Her Majesty's Government that Mr. Bulwer made the communication to the Queen-Mother of Spain and to the Spanish Minister for Foreign Affairs; that is solely the object of that despatch; and that despatch was written before the noble Viscount knew that the Duke de Sotomayor had made any answer at all. The reason assigned by the noble Marquess for that sort of approbation which was given to Mr. Bulwer, in order to prevent a triumph to the Duke de Sotomayor, therefore, does not apply in this case. The noble Marquess said the other night, and has repeated to-night, what I heard with satisfaction, that personal communications have been renewed between Mr. Bulwer and the Spanish Minister. I was glad to hear that. I was curious upon the point when I saw these papers; and, although I fully expected to hear that the renewal of friendly communications had been brought about, I certainly could not have anticipated that it would have taken place in the manner in which it appears by these papers it has done. For your Lordships are perhaps scarcely aware how perfectly unprecedented a proceeding this is that has taken place. I have had some experience in these matters. I have had correspondence, occasionally more or less angry, with foreign Governments, though not very often; but that a despatch of a British Secretary of State should be returned by the Minister of a foreign Government as unfit to be retained or received, appears to me to be a thing utterly impossible. I never could have supposed that such a thing was possible. Not only in my experience have I never heard or seen such a thing; but I will venture to say that this is the first time a British Minister ever suffered such an indignity. It is not right to abandon Mr. Bulwer; he has only acted as he was expected to do, and so far as he was instructed it was his duty; but if it had not been for the discussion that has taken place in this House Mr. Bulwer would have had and might have had his approbation in his pocket, but he would have met with the universal disapprobation of the whole country. But now we see by the production of these papers that Mr. Bulwer was not to blame in the communication he made; and, if censure be used, it is not towards Mr. Bulwer, but of course to those who directed that step, which he only took in compliance with the instructions he had received. The next best thing to not having done it, is to confess that we have done wrong; and I fully expected that the suggestion which was thrown out by my noble Friend the other night, and particularly after what we have heard of some communications going on at Madrid on the subject, would have been adopted on the part of the Government, and that by mutual explanations, both these despatches would be cancelled or withdrawn, as has been done in cases where controversies of this description have arisen, and that the matter would be at an end. The whole proceeding does, I must say, appear to me so utterly unsuited to the dignity of this country, that I can hardly conceive that, with the facts before him, any noble Lord could express himself satisfied with the matter as it now stands. I think it quite indispensable that some sort of understanding should be come to with the Spanish Government, with a view to remove the effect of this very objectionable proceeding; because, though we have withdrawn it ourselves, still we are the parties who have received such an insult as I believe was never before inflicted upon the British Government. It appears to me that the reason given in the despatch of the noble Viscount to Mr. Bulwer for the communication he made, that "the recent fall of the King of the French and of his whole family, and the expulsion of his Ministers, ought to teach the Spanish Court and Government how great is the danger of an attempt to govern a country in a manner at variance with the feelings and opinions of the nation," if it means anything, means approbation of the revolution which has recently taken place. But it is not altogether consistent with good feeling or delicacy, in a fortnight after the arrival of this unfortunate Prince and his family in this country, to hold him up in a despatch of this description as a warning to the Spanish Government; and if it means anything, it means that that Prince, not having acted according to the wishes and feelings of the nation, was in consequence deposed, and therefore the Spanish nation should do the same. I think that is perfectly untrue, but it is evidently implied by this. That is palpably untrue; I think, whatever we might have thought of the Government of the King of France, it cannot be said in truth that he was governing contrary to or at variance with the feelings and opinions of the nation. Those feelings and opinions were expressed in the only legitimate way they could be—by majorities in both the Chambers; and there is no reason, notwithstanding what has happened, to say that he was governing in a manner which entitled him to expect the fate which is threatened to the Spanish Government if they follow his example. But suppose this had been said to Narvaez, he might have answered to this example of the King of the French, "If the King of the French had allowed his able and upright and courageous Minister to act as I have done, he would have been on the throne of France now." Narvaez might have attempted to put down a revolution by using those means which, unfortunately for the King of the French, he abstained from using. The example of the King of the French, as a proof of what might be done by firm resistance, was no argument for Narvaez. But I admit that, although this communication was very objectionable, to be made in the tone and manner, and, above all, at the time, which were chosen, yet I still think it could not have been expected to produce such an answer as that which it received. Everything depends on the feeling and actual relation of the party who gives advice. No doubt, as my noble Friend said the other night, I should have had no difficulty, either through Lord Granville or Lord Cowley, in giving any advice to M. Guizot. But, unfortunately, in the case of Spain, ever since the correspondence took place which was produced some time ago, in which the Spanish Government was alluded to in no very measured terms, there has existed a feeling of suspicion and hostility on their part, which has prevented them from receiving any kind of advice from this country, however salutary, without a certain degree of reluctance. The existence of this feeling was well known, and this made it only the more necessary, if we wished to act with them in a friendly manner, to approach them with all that care and delicacy and preparation, which might render it possible to do away with that suspicion and hostility. But, made as that communication was, I confess it almost appears to me that, if not made purposely with the view of its not being accepted, I am quite sure it must have been made without the shadow of a hope that it would be accepted. To propose to such a Minister—who, whatever his merits may be, was known to possess a most imperious temper—to propose to him to tranfer the Government to persons whom he had at that moment actually under an accusation of attempting a revolution in the State—seems to me to be an act so ill advised that it could only be received as it has been. In the present state of the world we cannot but look with the greatest interest on the condition of Spanish affairs. I think, if at the beginning of the convulsions which have recently taken place on the Continent, anybody had thought that resistance to similar outbreaks would have been successful in Spain, he would have been supposed to be more sanguine than his neighbours; but a successful resistance to an attempt to overthrow the existing Government in Spain having been made, surely it is our interest as well as our duty to give every support in our power to that Government, instead of getting up a miserable quarrel with them about having a little more or a little less infusion of Liberal persons into that Government. Supposing they had accepted your recommendation, and had taken those persons whom you thought desirable for the interest, the welfare, the prosperity, and the safety of Spain, to form the Government, and supposing some calamity had then occurred, what would have been your responsibility? If a convulsion had taken place in Spain, you would have been answerable for the consequences which would have ensued. But this is the first time I have heard of our ever occupying ourselves with recommending particular individuals to compose the Ministry of Spain, whatever might be our interest in the formation of that Government. This is going further than we have ever done before, and further than I think is consistent with the interest of this country. I know it has been said that we are under a sort of obligation to support Spain; that there is a treaty in existence which binds us to support the Queen of Spain, and by which, it is said, we guarantee her throne. This is not true. There is no such treaty at this moment in existence. It is true there is a treaty by which, if Don Carlos or Don Miguel were to attempt a renewal of the war for the purpose of taking possession of the throne of Spain, the Queen of Spain would have a right to call for our assistance; but that is the limit of the treaty. There is no reference to any internal differences, or any struggles among the parties in Spain itself; still less did we undertake to support the Queen of Spain, because she was a constitutional Sovereign, against Don Carlos, because he was a despotic Sovereign. Nobody even pretended that we did. We supported the Queen of Spain because we thought she was the rightful heir to the throne, not because she was either constitutional or despotic. No doubt it was much more satisfactory to us to support a constitutional rather than a despotic Government; but we should never have supported her unless we had believed her to be the rightful heir to the throne. I therefore do not see that the existence of this treaty authorised our interference at all, still less the reference which has been so laboriously made throughout the correspondence. I think Her Majesty's Government should endeavour to establish a really friendly understanding with the Spanish Government; and that for this purpose they ought to avail themselves of the present time, when the bugbear of French influence no longer sways them, and when they may exercise an exclusive influence there if they think proper. Surely we have enough of influence when we have it all to ourselves. I do think that we owe it to the safety of Europe, and to the interests of this country, to look with an anxious and real desire to the establishment of a friendly understanding with the Spanish Government.

Lord BROUGHAM had heard with the greatest satisfaction from his noble Friend opposite (the Marquess of Lansdowne) that the relations of amity, goodwill, and friendly understanding which had so long prevailed between this country and the Spanish Government had been again re-established. He really thought that the less their Lordships entertained discussions of this kind, especially when the matter was over, as he hoped it was, the more likely it would be that the relations of amity would continue uninterrupted—which he was sure both sides of the House must wish—for there was always a little soreness left on such occasions, which continued discussions only augmented. He would only take the liberty of saying further, that he could not call it intervention, in the ordinary sense of the word, when one Government gave a piece of friendly advice to another, even when those Governments, or their agents, were not on perfectly friendly terms. This was not intervention, but advice, which they had a perfect right to give at any time. He denied the right of intervention except in very extreme cases.

The Marquess of LONDONDERRY had listened with the deepest satisfaction to what had fallen from his noble Friend (Lord Stanley) on this subject, and entirely concurred with him in condemning the conduct of the noble Lord at the head of Foreign Affairs. We had no right even to give advice to the Spanish Government, unless we had been asked by them to do so; and our advice had not been asked; still less had we a right to dictate to them in the way that noble Lord had done.

The Marquess of CLANRICARDE concurred in the soundness of the advice which had been given by the noble and learned Lord (Lord Brougham) not to stir up this subject unnecessarily; but he could not allow the remarks of the noble Lord opposite (the Earl of Aberdeen) entirely to pass without a few observations. It had been alleged that, according to the punctuation, the qualifying words in which the advice was directed to be given when the opportunity offered, would refer exclusively to the recommendation to communicate that advice to the Queen-Mother, or would apply to the whole instruction. But he said emphatically, whether these words were applied grammatically or not to the whole instruction, they were intended by his noble Friend (Lord Palmerston) to be so applied and so understood by Mr. Bulwer. The wish of the noble Lord the Secretary for Foreign affairs was, that Mr. Bulwer should tender, discreetly and at the proper opportunity, such advice to the Spanish Government as the circumstances of the country rendered necessary. Mr. Bulwer wrote that he "had already spoken to the Duke de Sotomayor in the same sense" in which he had addressed the Queen; showing how events went on; so that at last he thought it desirable to place upon record that the British Government had tendered what they considered sound advice to the Spanish Government. Those circumstances gave a different aspect to the correspondence from that which had been put upon it by the noble Earl. He (the Marquess of Clanricarde) entirely concurred in the regret expressed by his noble Friend the President of the Council, as he was sure every other Member of Her Majesty's Government did, that Mr. Bulwer had committed the error of making that communication to the Spanish Government by transmitting almost *in extenso* the despatch forwarded for his own instruction. But it was only an error of judgment made at a very critical moment. If an unfortunate error had occurred, it would be most unjust to his noble Friend the Secretary of State for Foreign Affairs if he were to be condemned for that error, in taking a step which was entirely right, namely, putting on record advice tendered by the British Government to the Spanish Government.

ENCUMBERED ESTATES (IRELAND) BILL.

Order of the Day for the House to be put into Committee (on Recommitment) read.

The LORD CHANCELLOR moved, "That the House do now resolve itself into Committee."

Lord MONTEAGLE was understood to object to certain provisions of the Bill, and to suggest that it should be referred to a Committee upstairs.

The LORD CHANCELLOR said, the Bill had been before the public for a considerable length of time, and various suggestions had been made with a view to its improvement. He did not see, therefore, the propriety of the course just proposed. As to the suggestion which had been made, that a new officer should be appointed to carry out the provisions of the Bill, instead of leaving the duties to be discharged by the Court of Chancery in Ireland, he did not see that it was expedient. He saw no reason to doubt but that the Court of Chancery in Ireland was quite competent to do all that was required by the Bill, as the business before the Lord Chancellor of Ireland was very small compared with what came before the Lord Chancellor of England. The Bill gave the Lord Chancellor power to make such provision as he might find to be necessary to the working out of the measure; and, therefore, he thought the appointment of any new officer unnecessary.

House in Committee.

Amendment made; and other Amendments moved and negatived.

Report to be received to-morrow.

House adjourned.

HOUSE OF COMMONS,

Monday, May 8, 1848.

MINUTES.] PUBLIC BILLS.—1° Copper and Lead Duties. *Reported.*—Removal of Aliens; Petty Bag Office.

3° and passed;—Evicted Destitute Poor (Ireland); Poor Houses (Ireland); Great Yarmouth Freemen Disfranchisement.

PETITIONS PRESENTED. By Mr. Macgregor, from Members of the Free Kingston Church, Glasgow, respecting *quoad sacra* Churches.—By Sir John Hope, from the Synod of Lothian and Tweeddale, against the Jewish Disabilities Bill.—By Mr. Drummond, from Lympsfield, Surrey, and other Hon. Members, from several Places, for Better Observance of the Lord's Day.—By Captain Dalrymple, from Members of the Free Church Congregation, Glenluce, Wigtonshire, and by other Hon. Members, from several Places, for Alteration of the Law respecting Sites for Churches (Scotland).—By Mr. Hodgson, from Carlisle, and by Mr. Octavius Morgan, from Newport, for Repeal of Duty on Attorneys' Certificates.—By Mr. Deedes, from the Board of Guardians of the Isle of Thanet Union, for Rating Owners in lieu of Occupiers of Tenements.—By Mr. Walter, from the Congregation of Primitive Methodists, Canaan Street, Nottingham, for Reduction of Duties on Tea, Coffee, Sugar, and Cocoa.—By Mr. Cobden, and Captain Vyse, from several Lodges of the Independent Order of Odd Fellows, for Extension of Benefit Societies Act.—By Mr. G. S. Duff, from the Provisional Synod of Moray, of the Free Church of Scotland, and by other Hon. Members, from several Places, against the Diplomatic Relations, Court of Rome, Bill.—By Mr. Urquhart, from Charles Ellerman, of Brompton, for Inquiry into his Case.—By Mr. Heywood, from Inhabitants of Bishops Stortford (Hertford), for Repeal of the Game Laws.—By Mr. Benjamin Smith, from the Town Council of Queensferry, and by Mr. Ewart, from Dumfries, for Alteration of the Law of Entail (Scotland).—By Sir W. Somerville, from the Board of Guardians of the Union of Kells (Meath), for Alteration of the Poor Law (Ireland).—By Viscount Duncan, from Bath, against; by Sir T. Acland, from Inhabitants of St. Giles, Camberwell, and other Hon. Members, in favour of; and by Mr. Drummond, from Governors and Directors of Greenwich, for Alteration of, the Public Health Bill.—By Mr. Cobden, from Athlone, for Inquiry into the Public Works (Ireland).—By Mr. J. B. Smith, from Dunfermline, suggesting Loans on Railways (Scotland).—By Sir T. Birch, from Pawnbrokers of Liverpool, for Alteration of the Law of Remedies against the Hundred.—By Mr. Joseph Bailey, from Hay District, to take the Case of Turnpike Trusts into Consideration.

MALTA—REPRESENTATIVE GOVERNMENT.

DR. BOWRING rose to put a question to the hon. Gentleman the Under Secretary for the Colonies respecting the island of Malta. It would of course be in the recollection of hon. Members, that the inhabitants of Malta had frequently forwarded petitions to that House praying that there might be conceded to them all the benefits of a representative and constitutional Government. What he now wished to ask was, whether the Ministers of the Crown had taken any steps upon that subject, or whether there were any measures for that purpose now in progress?

MR. HAWES said, that if his hon. Friend meant by that question to inquire whether or not it was proposed to give to Malta a representative assembly, he had only to say, in reply, that no such measure was in contemplation. He should not do justice to the present Governor of Malta if he did not take that opportunity of stating to the House that that right hon. Gentleman had many important measures of improvement under his consideration, such, for example, as the establishment of municipal institutions, the improvement of the commercial law, an amelioration of the modes of civil procedure, a diminution of legal expenses, and a revision of other important Maltese institutions. The Governor of Malta also intended to introduce into that island the warehousing system, which would greatly improve trade. From these practical measures the best results might be expected.

DIPLOMATIC CORRESPONDENCE (SPAIN).

MR. URQUHART wished to know whether the interpretation given elsewhere of the judgment formed by Her Majesty's Government as to the conduct of the representative of Great Britain at Madrid was correct? He put this question, because he understood that in another place that conduct had been censured, while he understood from what fell the other day from the noble Lord (Lord Palmerston) it was approved of by Her Majesty's Government. He further wished to know whether the despatches of the 10th and 11th of April, of which extracts were given, might not be produced in full, and whether the Duke de Sotomayor had condescended to give any answer to the last despatch of the representative of the British Government at Madrid?

Viscount **PALMERSTON** replied, that with respect to the note of Mr. Bulwer, the papers presented to Parliament showed that his conduct had been approved of in two despatches from himself (Lord Palmerston) in respect to the course which, under all the circumstances of the case, he had deemed it expedient to take. With respect to the despatches of which extracts only were given, he did not think it essential to give the whole of them, because there were, as in many despatches, observations and remarks introduced into them, which, however proper for the information of the Government, were not of such a nature as needed to be published generally. He had laid on the table everything important as showing the course pursued. In respect to the third question put by the hon. Member, he had to say that he had not yet received from Mr. Bulwer an acknowledgment of his last despatch; and therefore could not state what answer the Duke de Sotomayor might have given to Mr. Bulwer's last note.

Mr. **BANKES** understood the noble Lord to say the other evening that it was his intention to furnish the House, togegether with the recent correspondence between the British and Spanish Ministers, with an extract from a Spanish paper called the *Clamor Publico.* Now, he could not find this extract among the papers presented to the House. He wished to know, also, since it had been stated in that House, or at all events in the public papers, that the publication of that correspondence had appeared in the French papers as if from authority, whether there was any ground for assuming that publication proceeded from the Spanish Minister, or from any one under his authority? He likewise desired to know how it happened that the correspondence presented to Parliament appeared in the English newspapers twenty-four hours before it reached the hands of Members of that House?

Viscount **PALMERSTON** observed, that the previous evening he had promised, if he could lay his hand on the paragraph in the Spanish newspaper, he would include a copy of it in the papers presented to the House. At the time those papers were prepared he was not able to find the paragraph in question, but he had since discovered it, and should not have the least objection to lay a copy of it on the table of the House. With respect to the second question of the hon. Member, as to the source whence the French newspapers obtained copies of the correspondence, of course he (Lord Palmerston) had no distinct authority for his opinion, but he was warranted in saying that the communication did not come either from Her Majesty's Government or from Her Majesty's Minister at Madrid; and, from certain phrases and internal evidence, his opinion was that that communication might come from some party either in connexion with the Spanish or French Government. With respect to the last question of the hon. Member, he could only say that it was the usual and established courtesy, in respect to public departments, when papers were laid on the table of the House, to send copies to the principal newspapers. He did not know whether in the present instance copies were sent to the newspapers before a sufficient number had been struck off for the use of the Members of that House; but it was the usual courtesy, he repeated, to furnish the newspapers, under the circumstances he had mentioned, with copies of documents, and this was found to be for the public convenience.

THE WEST INDIES.

Lord G. **BENTINCK** wished to put some questions to the Under Secretary for the Colonial Department, relative to British Guiana and Jamaica. He had received a letter from one of the members of the Combined Court of Demerara, communicating a number of resolutions which had been placed before the Court of Policy, of which the following was one:—

> "That, in the present state of the colony, this Court cannot proceed to vote the estimate, or to take any part in raising the supplies, as the sources of income from which the colonial expenditure has hitherto been defrayed have ceased to be productive, and this Court is consequently deprived of the means of providing the necessary funds to support the civil government and institutions of the colony. The Acts of the British Government have placed the colony in its present perilous position, and on the British Government must the responsibility rest."

The whole of the resolutions, though laid before the Court of Policy, had not been passed, but had been unanimously agreed to by the elective section of the Combined Court, and by the financial representatives, who had expressed their concurrence in the course pursued by the elective section of the members of the Combined Court. The resolutions had also received the approval of a large meeting of planters, merchants, and others interested in the agriculture, commerce, and general welfare of British Guiana, which agreed to a declaration, from which the following were extracts:—

> "We desire to express our conscientious and firm belief that the measures proposed by Her Majesty's Ministers as remedial are a mockery and delusion, and are totally inadequate to meet the ends proposed.
>
> "That the time has arrived when the public expenditure must, of necessity, be effectually reduced, inasmuch as the colony is not in a condition to bear even one-half the amount levied by direct and indirect taxation for the service of the year 1847. And that, with such an onerous burden as the present civil list, so entirely inconsistent with the present circumstances of the colony, it is impossible to raise by taxation an adequate amount to support, even on a greatly reduced scale, those institutions which have become necessary from the altered state of society, and for the maintenance of internal peace and good order.
>
> "We desire to express our entire and unqualified approval of the course pursued by the elective section of the hon. Court of Policy at this trying and eventful juncture, and we heartily concur with them in opinion."

He wished to know whether Her Majesty's Government had received information confirmatory of the statement he had made, and also whether Sir C. Grey, the Governor of Jamaica, had been correctly reported in the *Jamaica Times* as having made the following address to a deputation from a meeting at Jamaica; and if so, whether the Governor had announced to Her Majesty's Government the circumstance of his having made such address?—

> "His Excellency thought matters were in a very unsettled position at home; that there was a Committee sitting to consider West India affairs, and that, although Her Majesty's Ministers had stated that they would not alter their present policy, yet that this was not to be considered final, and that something might yet be done for the colonies, arising out of the inquiry before the Committee."

Mr. HAWES said, in reply to the first question of the noble Lord, that the resolutions he had referred to had been agreed to at a private meeting as contradistinguished from the Court of Policy, and that he had no official cognisance of them whatever. With respect to the question relative to the statement reported to have been made by the Governor of Jamaica to a deputation from a meeting, he could only state that he knew nothing of the deputation or of the answer given to it, and therefore was not able to inform the House whether the reported statement were correct or not.

RIO PLATA.

Mr. ROBINSON inquired whether any communication had taken place between the Provisional Government of France and the British Government with respect to the agreement or understanding existing before the overthrow of the monarchical Government of France in reference to the joint operations of the British and French squadrons in the Rio Plata?

Viscount PALMERSTON observed, there had been no communication between the British Government and the Provisional Government of France on the subject. Some time ago the late Government of France, in concert with the British Government, sent out instructions which were jointly addressed to the British and French officers, and which had for their object, and would, he trusted, have for their result, the amicable settlement of the differences then existing. Intelligence from the parties charged with these communications might be excepted almost daily. There was nothing which had required fresh communication on the subject between the Governments of France and England; and he had no reason to suppose that the present Provisional Government had withdrawn those instructions.

PUBLIC HEALTH BILL—ADJOURNED DEBATE.

Order of the Day for resuming the Adjourned Debate on the Public Health Bill read,

Mr. SPOONER said, although the Government had made various alterations in the Bill, the principle of it remained the same. He objected most decidedly to the power which was proposed to be given to a central board in London to control the affairs of the different localities affected by the Bill. There was, also, an unlimited power given to the Lords of the Treasury to appoint officers and officials under the Bill, which power he considered unwarranted and unconstitutional. He admitted that some superintending body was necessary to see that proper sanitary measures were adopted in the different localities; but he protested against the interference of Government in the local administration of the different towns such as was proposed by the Bill. The noble Lord at the head of the Government would find so many complicated interests affected by the Bill, that he would be unable to carry it through the House; and he would suggest the propriety of the Government withdrawing the Bill, and bringing in one which was more in accordance with the opinions of the House and the country. In at least every town with which he was connected, there existed a strong feeling of hostility to the Bill, in almost all its details. He assured the House that in the present state of trade, they would find a very large proportion of the retail dealers and small tradesmen in such a situation, that their profits could not afford them the means of paying the general and local taxation to which they were subjected; and they certainly could not support the increased burdens which a Bill like this before the House would necessarily lay upon them. In the town of Birmingham there existed two or three bodies having for their object the promotion of drainage, sewerage, and other sanitary measures. Now, he agreed that it would be a better state of things were these separate bodies fused into one. But the way in which the Government proposed to deal with them would be found quite impracticable. By the Bill before the House, the powers of one of the bodies in question were only partially transferred to another—thus rendering both of them expensive, and both of them inefficient. In such a state of things, then, it was not to be wondered at that so vigorous would be the opposition throughout the country that the noble Lord would find great difficulty in carrying a Bill at all resembling the present one. The suggestion thrown out that the House should discuss and settle the details of the measure before they proceeded to consider the clause appointing Commissioners, was, in his mind, an excellent one, and one which he would cordially support. He felt most strongly the necessity for some sanitary measure, and protested against being supposed to object to all sanitary reform. To sanitary reform, on the contrary, he would give his most cordial support; and it was precisely because he felt the necessity for some improvement in this respect, and because he was really desirous rather of effecting that object than of appointing boards to carry it ultimately out, that he called upon the noble Lord not to press this Bill in its present state, but to take the advice of the hon. Member for Oxfordshire, and bring in a Bill creating the moving and superintending power, but leaving to local bodies the management of matters of local concern. If they wished a Bill upon the subject to be carried, they must weed it of all the obnoxious centralising powers to which he had referred. In its present form they would find the measure give rise to endless difficulties. It would mix up town with agricultural districts. Indeed, when they came to analyse the Bill, they would find it throwing anything it touched into a mass of confusion which it would be almost impossible for any tribunal to unravel. But if they were in earnest about the work—if they really wanted to carry a good practical sanitary measure, then he would advise them to send this Bill to a Committee upstairs—to give that Committee power to call and examine witnesses, whose statements, while they proved the difficulties likely to arise from such a measure as the present, would also point out the necessary remedies, If the hon. Member for Stafford pressed his Motion to a division, he should feel it to be his duty to support him, as he believed that whoever drew up this Bill must have been totally ignorant of the interests it was intended to serve, and the effects which it would be likely to produce.

MR. SLANEY thought that his hon. Friend opposite had not stated one objection to the Bill which might not be discussed, and probably got rid of in Committee. He thought that he could show to the House, first, the absolute necessity for an extensive measure, and that rather for the sake of the poor than the rich; and secondly, that it was necessary to have a measure somewhat of the nature of that before the House, the details of which might be safely left for consideration and adoption in Committee. It was upwards of ten years since he had turned his attention to this subject. From that time to the present day, discussion after discussion had taken place with respect to it. In 1840 he himself had moved for a Committee, which was appointed, sat, and examined witnesses. That Committee reported that the sanitary regulations in many principal towns of the kingdom were exceedingly defective, were often almost entirely neglected, and that abuses of a most extensive nature existed in connexion with them. And a strong reason why a measure like this should be adopted was, the changed social position of the great masses of the people. Some years ago the agricultural population of this country were as two to one in respect to those who were resident in towns. That state of things had since been reversed; and it had been shown since that the population of those living in towns was now as two to one, compared with the agricultural labourers resident in rural districts. In several large towns the number of the working classes, in respect to the whole population of those towns, was as high as sixty per cent, eighty per cent, and even ninety-five per cent; and these facts showed the necessity of a change. The report of the Committee on the Health of Towns, in 1840, stated that the Committee had inquired into the matters submitted to them, and that they found that the sanitary arrangements in the principal towns of the realm were most imperfectly carried out, and that abuses existed in all large towns of a most extensive nature. And here he begged to bear testimony to the benevolent feeling and ability of Mr. Chadwick, as evinced in the reports drawn up by him on the part of the Poor Law Commissioners. The subsequent reports of the Poor Law Commissioners confirmed the representations of the House of Commons' Committee on the sanitary state of towns. The second report of the Health of Towns Committee was made in 1845, and it included the opinions of the most eminent engineers of the country, and of medical gentlemen of the highest eminence. That Commission reported unanimously in favour of a measure of extensive improvement as absolutely necessary for the health of the working classes in large towns. Now, then, they came to the point. The Commission in question drew up a series of resolutions, basing each upon a full exposition of the reasons which had induced them to adopt it. These resolutions were the foundation of the Bill of the noble Lord the Member for Falkirk, as well as of that now before the House. The first of these resolutions recommended that in all cases a local body should have the particular charge of sanitary works, but that the Crown should possess a general power of superintendence and revision. Now that was the principle which it was now sought to affirm—a principle supported by the unanimous recommendations of a Committee of this House—by the reports of the Secretary of the Poor Law Commission—by the first recommendations of the Sanitary Commission—and by the second report of that body, in which they indicated remedial measures for the evils which they described as existing. Besides this mass of authority, too, they had the reports of the Commissioners, who examined into the santary condition of fifty of the largest towns in England. Was it not time, then, for the enactment of some general measure, by means of which local bodies might have the means of carrying out those sanitary reforms which they believed to be needful, and the execution of which they were most desirous of having placed within their power? He had himself investigated the cases of the towns, one of which was celebrated for the ingenuity of its manufactures, and was known as the "toy shop of Europe." He alluded to the town of Birmingham. He should be ready to answer any question which might be put to him in reference to the state of that town. Birmingham certainly was one of the most healthy of our large towns; it stood on a high hill, and, generally speaking, the resident working classes had each his own dwelling. The effect of the Bill would be to place in the hands of the local authorities powers which they did not now possess. The only power vested in the hands of the noble Lord would be the appointment of an inspector and an auditor —offices absolutely necessary for the efficient working of the measure. It was argued that the Bill would diminish the authority of the local bodies, and that it was another step toward a system of complete centralisation; but, so far from that being true, the fact was that this Bill would confer on the local board powers which they never possessed before. They would have the full management of their own affairs; and the whole appointment of the acting officers, with the exception of the inspectors and auditors, would necessarily be under the control of the central authorities, in order to correct the evils which would arise from exclusive local management. The principle of the Bill was to enforce local arrangements for the improvement of health, and to carry out those arrangements by the action of the local bodies elected by the ratepayers of the district; and nothing could be devised which more effectually would answer that object, and carry out that principle. The hon. Member read a number of extracts from a pamphlet on the sanitary question, to show the present unhealthy condition of the principal manufacturing towns of England, and related the result of certain inquiries he had instituted into the number of pigs and piggeries in Birmingham, from which it appeared that the parish contained, pigs, 1,681, styes, 3,256; and the whole district, pigs, 2,300; styes, 3,300. They might form some idea of the condition of the people residing in the close courts and lanes where these animals were kept. Bilston was nearly, if not altogether, as bad. When the cholera visited England, the inhabitants had suffered more than those of other towns. The consequence was, that attempts had been made to remedy its sanitary condition; but at this moment the town had lapsed into all its former misery and filth. It was now almost destitute of drainage, and with a very inadequate supply of water. The report stated that in some of the towns the contents of the common sewers are collected into stagnant reservoirs in the immediate vicinity of the population. In the same way—whether they turned to the district of Lancashire with Dr. Lyon Playfair, visited the West Riding with Mr. Smith of Deanston, inspected the midland manufacturing towns, such as Coventry and Leicester, with Mr. Martin, or traversed the mining districts around Merthyr Tydvil, they would find a similar repetition of the causes of disease and sickness, in crowded courts and lanes, without ventilation or sewerage, or any of the requisites for comfortable or even decent existence. No one could read these accounts without coming to the irresistible conclusion that some large measure such as this was absolutely necessary to improve the condition of the people, and effect those alterations which were indispensable to their improvement. It would appear from the reports that there was an increase of five years in the life of those who lived in sewered districts, as compared with those who were not so advantageously circumstanced. Thus it seemed in the power of the House to prolong the life of a great mass of people to that extent by making those improvements which scientific inquiry proved to be so necessary. He hoped the House would agree with him in thinking that these evils should be met by some such measure as that before them. The hon. Member for Warwickshire asserted it would be a most costly measure, but the calculations of the most experienced men tended to an opposite conclusion; and even if it were expensive, the country would gain more than ten times the outlay in the decrease in poor-rates, in the health and comfort, and, above all, in the contentment of the great mass of the people, who were the mind and tone of the State. The Bill would affect the happiness and health of hundreds of thousands; and he hoped when it came before the Committee that the House would model it in such a way as to make it successful and permanent. But nothing could exceed the general ignorance which prevailed on this subject, particularly with respect to drainage. The old system of drains, six feet five inches by four feet five inches, cost three times as much as earthenware pipes, which were a great deal more effectual and far more economical, particularly for courts and alleys. Then the supply of water was miserably deficient, the poor having to purchase it at an exorbitant rate, and to fetch it from a considerable distance. The objections to the measure, now under consideration, were chiefly made by interested individuals, and those who considered themselves the possessors of vested rights. He thought any measure of a sanitary nature relating to London would best be discussed by itself. When they considered the numerous boards in London, and that the commission of drainage was entirely different from that in other parts of England, it would be admitted that it would be a matter of great difficulty, if not an impossibility, to comprise in this Bill regulations applicable to this great metropolis. Having paid much attention to the condition of the humbler classes in great towns he had come to the conclusion that it was absolutely necessary for the safety of all that great alterations and improvements should be made. By making such improvements they would rally these classes round the institutions of the country; but if they neglected these improvements the people would be discontented that nothing had been done for them. By a measure of this nature they would do much to increase the security of property, especially if it were followed by measures for improving the moral condition of the people. By such measures they would be able to change in a great measure the condition of large bodies of the population of great towns, and to make them contented and cheerful. When hon. Gentlemen expressed their desire of upholding property, he would remind them that the poor man's property was his health, strength, and power to labour, and that upon these depended the support of his wife and children. They would paralyse, they would destroy his capacity to win his bread if they did not give him that protection to his health by which alone he would be enabled to maintain himself and family. According to one of the best authorities, it appeared that in one county alone—Lancashire, there were annually 336,000 cases of preventible disease, and that the cost resulting therefrom amounted to no less 4,000,000*l*. He hoped, therefore, they would lay aside all party feelings, and consent to go into Committee, with the view of passing some large sanitary measure for the improvement of the condition of the suffering masses in the great towns of the kingdom.

Mr. CHARLES PEARSON said, it was with great reluctance he should oppose the Bill going into a Committee, but he felt it to be his duty to resist upon principle its second reading. It was frequently very difficult to determine, in respect of Bills in that House, what might be properly called their principle, to warrant their rejection *in limine*, and in what were their details capable of modification if referred to a Committee. In the present Bill he considered its principles were two—first, that the Ministers of the day might, by Order in Council, upon application of a small fragment of the inhabitants of the great mass of the cities, boroughs, and districts of the country, order the local authorities of the place to be deprived of the independent conduct and action which was the glory of our Saxon institutions, and, like ricketty children, be placed in the go-cart of central government. The other principle of the Bill was, that Scotland, Ireland, the universities of Oxford and Cambridge, and the metropolis of London, should be excluded from the Bill, and be left for future legislation. [Viscount Morpeth: Not Oxford and Cambridge.] Well, Oxford and Cambridge were not excluded from the amended, but they were not in the original one. Against these principles it was his intention to enter his protest, both by his voice and by his vote. If the hon. Member for Stafford (Mr. Urquhart) had persevered in his original Amendment, that no alteration of the law was necessary to secure sanitary improvements, he would not have obtained his (Mr. Pearson's) support; but in resisting the Bill upon the broad principle of its un-English and unconstitutional character, the hon. Member for Stafford should have his hearty concurrence. He felt it right to make this declaration at the outset of his speech, to guard himself against the misrepresentation to which he might be otherwise exposed, as the advocates of this measure, both in and out of the House, were disingenuous enough to represent that the opponents of the Bill were the enemies of the comforts of the poor. It was true, that as a metropolitan Member he might be said to be uninterested, as far as his constituents were concerned, in the fate of the Bill. It had been said, that the Members for Lambeth, Finsbury, the Tower Hamlets, the City, Greenwich, and Southwark, might maintain their popularity with their constituents, at the same time that they supported the Bill, because the Ministers had yielded to their representations, and had excluded the metropolis from the operation of this objectionable measure; but it would be a shortsighted policy if the metropolitan Members adopted this course, for as surely as the Bill before the House was carried, so surely would the metropolitan boroughs be subjected to the same fate. In fact, the noble Premier, with his usual frankness, had declared that that was his intention. The noble Lord had described, in somewhat graphic characters, his interview with the Lord Mayor, when this subject was first promulgated. The Lord Mayor had not considered himself at liberty to narrate the circumstances of the interview to which the noble Premier had referred. He was left, therefore, to draw upon his imagination to figure out the details. The noble Lord said, the Lord Mayor had asked, "Do you mean to include the city of London in your Sanitary Bill?" "I do," responded his Lordship. "Then I shall give it my utmost opposition," rejoined the Lord Mayor. I cannot (said the hon. Member) imagine that such a curt and unceremonious conversation upon such an important occasion sufficed these two great functionaries, the First Minister of the Crown and the first magistrate of the City; but as there was no Homer to sing, like the deeds of Ulysses at the cave of Polyphemus, I will let my imagination strike the strings, to record this scene, as I may presume it actually occurred. I must do the noble Lord the justice to say that he is not in the slightest degree amenable to the suspicion entertained by some of the opponents of the Bill, that the noble Lord has excluded the metropolis out of any affection for the City; on the contrary, the failing of noble minds exhibits itself conspicuously in his Lordship's actions; fearing lest his affection for the citizens should prompt him to give their interests undue support, he is in danger of guarding against undue favour, by bestowing upon them an undue measure of his powerful opposition. But to return to facts (the hon. Member continued) the noble Lord no doubt communicated to the Lord Mayor, at the interview, his intention to breakfast upon the cotton lords of Liverpool and Manchester, to dine upon the less digestible hardware representatives of Birmingham and Sheffield, and to sup upon his favoured constituents of the metropolis. He trusted that the hon. Members for the northern boroughs would be too far north, and the Members for the metropolitan burghs would be too wide awake, to fall into this trap. "Divide and conquer" was an old adage. If the representatives of the metropolis joined the Ministers to fasten this un-English Bill on the country, they must expect the country party would hereafter unite with the Ministers to visit the same measure upon themselves. The hon. Member who had preceded him in the debate had read long extracts from the report of the Health of Towns Association and other documents, to prove that the labouring classes of this country were sunk into the lowest state of poverty, misery, wretchedness, and crime, principally on account of the low state of their physical position, in consequence of the neglect of the local authorities to make arrangements for the proper sewage and cleansing of their dwellings, and that, therefore, it was the duty of the Legislature to pass the Bill, in order to give the Government officers the power of enforcing better sanitary arrangements than could be obtained by local authorities. He denied both the fact stated, and the inference deduced. It was an unfounded calumny upon the meritorious class to which those statements referred. A large meeting was held in London the other day on this important question. It was true, no Member of Her Majesty's Government was present, nor was either of those important Gentlemen who in that House exerted themselves to collect Members together. It was a meeting convened by the Health of Towns Association, the Metropolitan Association, and the Philanthropic Association. They had challenged men as zealous in the cause of sanitary improvements as themselves to appear before their self-constituted tribunal to be tried for having neglected those sanitary measures of which these said parties, forsooth, called themselves the advocates. He himself had been summoned to appear, and did appear, before their tribunal, and he would read one of the resolutions passed, in order to protect himself from the unfounded assertion that he and those who opposed this Bill were opposed to the objects it professed to carry out. The resolution expressed a concurrence in the opinion that good drainage and an ample supply of water were highly conducive to the cleanliness, the comfort, the health, and the morals of the population, and that those objects might be obtained under the old system of local government. This was a resolution passed at a large meeting in the metropolis, convened by the supporters of the noble Lord, and by an association of which he was a distinguished member. In this country all our sanitary arrangements were made under the authority of the law, and by means of local institutions. In foreign countries, sanitary arrangements were made by the Government, or, if by local institutions, they were still under the control of the State authorities. This Bill proceeded upon the latter principle, for, though it left an appearance of authority in the possession of the local boards, it placed a barren sceptre in their hands, for the local authorities were controlled by the Government. What had been the result in those countries in which a precisely similar system prevailed? In France, before the late revulsion, out of an income of 54,000,000*l.* a year, 18,000,000*l.* had been expended in purposes connected with the civil administration of the country, and 500,000 persons were in the employment, and their offices in the patronage, of the Government, and upon them devolved the expenditure of this enormous sum; so that 18,000,000*l.* a year was used to keep the Administration of the day in power, by corrupting the votes of those who kept them there. If the tree was known by its fruit, it might be seen from other nations what would be the effect of centralisation over the institutions of this country. In all parts of France the corporations and sanitary regulators were under the control of Government influence; and what did we find? In France, the proportion of annual deaths to the whole population was 1 in 42; in Prussia, 1 in 38; in Austria, 1 in 33; in Russia, 1 in 28; in London, 1 in 37; and in England, 1 in 45. Thus in England, under our system of self-government, the proportion of deaths to the population was less than in any other country; and even in the metropolis, so much calumniated, the duration of life was greater than in any Continental capital, and the moral condition of the population was much higher. The Gentlemen who had prepared the New Poor Law had said, that early marriages were evidence of a low state of the social condition of a country, and that an excess of illegitimate children in proportion to the births afforded the strongest evidence of the low state of the social and moral condition of a country. It appeared, from statistical returns, that the annual marriages in France were 1 in 62; in Prussia, 1 in 56; in Austria, 1 in 62; in Russia, 1 in 49; in England, 1 in 66; and in London, 1 in 102: so that in England, where the humbler classes were calumniated, as being in a low and degraded moral condition, as compared with those of other countries, instead of being sunk in the dirt and mire of misery and misconduct, they stood out in noble relief. Then as to illegitimate births; what was the moral state of other countries? In France, in every 1,000 births 928 were legitimate, and 72 illegitimate; in Austria, 886 legitimate, and 114 illegitimate; in England, 933 legitimate, and 67 illegitimate; and, in London, 968 legitimate, and 32 only illegitimate. Compare this with Paris, where, in every 1,000 births, 711 only were legitimate and 289 illegitimate; with Berlin, where the proportion was 850 to 150; and with St. Petersburgh, where it was 812 to 228. The registry of the returns showed that, until the passing of the New Poor Law, which was designed to repress illegitimacy by casting the burden of the child upon the weaker vessel, in London and England the proportion of illegitimate to legitimate children was 25 per cent less than now. Representing, as he did, a metropolitan borough, it might be said that he had nothing to do with the sanitary question; London, Marylebone, the Tower Hamlets, and Finsbury, not being included in the Bill. He did not think he now saw in the House a single representative of a metropolitan district. The noble Lord who had a large portion of what was known as the harmlessness of the dove, with, however, a small modicum of the antagonistic quality, had thought it best to fight his opponents separately and singly, by first bringing in a Bill that should take in all the towns except the metropolitan districts; and he (Mr. Pearson) dared say that many of the Members for the metropolitan districts would vote for the measure. They could say to their constituents, "You are left out—why should we oppose the Bill? Let us support the Government in putting down the Tory Members who oppose it." He (Mr. Pearson) did not, however, think he should risk his popularity by dividing on this occasion, in company with the Gentlemen who sat on those (the Opposition) benches. The metropolitan boroughs should sympathise with Manchester, Birmingham, and other large towns; and he had heard it said that those towns were to be left out in the Committee. The noble Lord the Member for London had heard many hard expressions used towards him, on the supposition that he had excluded the metropolis on account of his political connexion with the place. It was doing that noble Lord only justice to say that there was not the slightest foundation for this imputation. The public mind had been drugged with the grossest misrepresentations in respect to the sanitary condition of the kingdom. He found it stated in a pamphlet from the Health of Towns Association, that 58,000 children had been destroyed in London—that 58,000 children had died in the city more than would have died if the rate of mortality there had been the same as at Lewisham. Why should Lewisham be selected—a place of 500 or 600 inhabitants, to be compared with the City, containing 120,000—in which, instead of the deaths of children being annually 58,000 in excess of the ordinary rate of mortality, the whole number of deaths under ten years of age did not amount to one-tenth of the number stated in this pamphlet. Looking at the efforts which had been made to influence votes upon this question, he could not refrain from repeating his conviction that those efforts were based upon the grossest untruths. But though he thus frankly avowed his disbelief of those statements, it did not therefore necessarily follow that he was opposed to all good sanitary measures. On the contrary, no one more earnestly desired than he did to see a useful Health of Towns Bill carried through that House, applying not to the country only, but to the city of London and the whole of the metropolitan districts. Many facts came under his observation, and many were communicated to him, which left no doubt in his mind upon that subject. He could state one case, which was founded upon a report of the Statistical Society—a case the details of which were calculated to make every man feel it to be a deep humiliation to live in a country where such scenes could take place. The report had been made by men of the very highest reputation; and what did it show? No less than this—that, in eighteen houses which had been examined consecutively, the population was so pressed together, that the maximum quantity of air which any individual enjoyed for respiratory purposes was only 270 cubic feet, and the minimum but 52 cubic feet; the average being 176 cubic feet. Now, it was well known that in felons' prisons the State allowed 1,000 cubic feet for each criminal. This was the state of things in a locality which he should presently name. There was nothing so bad in Birmingham, in the City, or in any other town in the kingdom. In that wretched state human beings were huddled together—all ages, both sexes, fathers and daughters, mothers and sons, brothers and sisters, strangers and acquaintances, the sick and the healthy, the dying and the dead, with a proximity and under a pressure which the veriest brutes would resist. Looking, then, at such enormities as these, he professed his perfect readiness to join any man who was willing to aid in putting an end to such monstrous evils. Where were those atrocities to be found, and to whom were they owing? They were to be found in the metropolis of England, and they were to be imputed to the management of the Woods and Forests; yet at this moment the House were told that the Bill was so altered that there would be no paid Commissioners, and that the practical carrying out of the measure would be left to the Chief Commissioner of Woods and Forests. Was it really a fact that that department had so little to do that they could find time enough and to spare for such undertakings as this? Was it to be expected that the public would place unbounded confidence in the management of the Woods and Forests when they were told that the present condition of Church-street, St Giles's; was to be traced to the proceedings of that board? That was the locality to which he alluded when he spoke of human beings huddled together with an average of only 176 cubic feet of air for respiratory purposes. Some time ago the Commissioners of Woods and Forests conceived the design of forming a new street, for the purpose of enabling persons who rode in carriages to proceed easily from the west-end to the city, and return at their pleasure. For that purpose they pulled down a large number of the houses in St. Giles, and increased the packing together of the people to an extent 67 per cent greater than their previous condition had rendered necessary. Before the formation of the new street there was a full current of air through Church-street, and its ventilation was further helped by a cross current. Both these were put an end to—a lofty wall was built across the street, and it was converted into a *cul de sac*, in order that the eyes of the wealthy as they passed should not be offended by looking on the condition of the poor.

Viscount MORPETH was sure that the hon. Member for Lambeth would gladly be set right on any point where his information happened to be imperfect. He begged to inform the hon. Member that the formation of the new street had been carried on, not under the direction of the department of Woods and Forests, but under that of a Commission, in which the Lord Mayor of London was included.

Mr. PEARSON resumed: Assuming it to be as the noble Lord suggested, that these operations had been conducted by a Commission, of which the Commissioner of Woods and Forests and the Lord Mayor were members, the House must very well know that in Commissions of the kind to which he alluded there always was introduced a certain number of persons who were technically called dummies, in order to give such schemes the appearance of popularity. Surely every person in that House must be perfectly aware, that in the presence of such a Minister of the Crown as the noble Lord opposite, even the Lord Mayor of London would sink into measureless insignificance—that in the deliberations of such a Commission the opinions of the Lord Mayor would not have the slightest weight; and this was another proof of the impropriety of intrusting the practical execution of such a measure to men so respectable as the Lord Mayor, or so great as the Chief Commissioner of Woods and Forests; but who, it was manifest, could not be cognisant of the working of a measure carried on in their name. He would state another fact or two: the law placed at the disposal of the Woods and Forests a very large revenue for the improvement of the metropolis by opening and draining confined courts and alleys; and though the district of Church-street, St. Giles's, stood in the utmost need of good sewerage, and though 100*l.* would have been sufficient for accomplishing that object, yet the

Woods and Forests, with the utmost indifference to the wants of the locality, were unable to find 100*l.* for their relief. Looking, then, at the whole of the question, and considering dispassionately the provisions of the Bill, he could not do otherwise than say, that the House would act wisely if they placed more confidence in the discretion and integrity of local authorities, and left their operations unshackled by Government officials. Centralisation was not always and necessarily the best mode of dealing with questions of this nature. Past events had shown that the care used by the public functionaries of this metropolis in great emergencies was most effectual. When the cholera last afflicted Europe, the deaths from that disease in Paris were one in forty, while in London they were only one in 400. Paris lost upwards of 18,000, and the city of London less than 600 by the disease. Although he was most anxious for a good sanitary measure, yet he by no means wished for any such Bill as that then before the House; and he hoped that the metropolis of England would never submit to the passing of any such Act.

Lord ASHLEY was anxious to impress on the House the absolute and indispensable necessity of instituting some measure which might remove some portion at least of the grievances that pressed so severely on the working population. His hon. Friend near him said the other night that this was essentially a working man's question, and he had never in his life said a truer thing, for it affected the whole of the working man's life: it began at home; it affected his capacity to eat and sleep in comfort, to go abroad, and to gain a livelihood by which he might be enabled to rear his family in comfort and respectability. He knew that this question was well comprehended by the working classes, and was one of the questions they had really at heart. He had not attended a single meeting of working people in which this had not been a prominent feature; he had constant correspondence with them from all parts of the country, and in every part he found them alive to this question. He need only mention that the other day, when there was a meeting of trade delegates in the metropolis, amongst the grievances urged, and the first on which they came to a resolution, which they did him the honour to communicate to him, was the sanitary condition in which they and their families were left by the neglect of legislative enactments. He, therefore, assured the House that this was a most important question, not only with respect to the moral condition of the working classes, but also in reference to the amount of political content or discontent which they would find existing amongst the masses. Nor was this a question which touched persons of a higher class at second-hand only. They knew the result of sanitary abuses by the large addition to the rates, by the increased demands on private charity, by accessions to the bills of mortality; and, more, they knew it in some cases by the results on themselves. Fever might break out in some noxious and remote district; but when at length it came to desolate some contiguous and wealthier region, then they began to see the consequences of this intolerable evil. He did not mean to conceal or deny that there were great difficulties in legislating on this subject, and no doubt the proposition of remedies was beset by every species of obstacle. A great number of local interests were to be encountered, a great number of local feelings to be provoked, and no doubt it required some fortitude and perseverance to devise a legislative measure which should apply a remedy to all these prodigious evils. But that could be no argument whatever for stopping this measure on the very threshold, for refusing to go into Committee, and there seeing whether they could draw the teeth and pare the talons of this lion, which had created so much terror. He gave the Government the highest praise for the manner in which they had addressed themselves to this question, and the boldness with which they had encountered the opposition and braved the difficulties surrounding the question. But he would fairly tell them, that he thought the measure was susceptible of very great improvement in Committee; but whether it was so or not, he implored the House to let the Government have an opportunity of dealing with the measure in Committee; for it was one, as he said before, which had taken such strong hold of the minds of the people, that it was essentially necessary to prove to them, not only by general argumentation, but in detail, what was feasible in regard to the removal of the various abominations existing. He confessed he was very much astonished when he heard it stated by certain Members in that House, and out of it, that the law as it now stood was adequate to the removal of those evils. If they looked at the list of Acts on the Statute-book, they would find, no doubt, a great number levelled at abuses of this nature, which might perhaps be remedied if all those Acts were enforced; but to say that the Statute-book was open to all, was like the well-known saying, that the London Tavern was open to all: it was open, no doubt, provided you could pay for it. But this was a most perplexing and tedious process, which you could not call upon the working men, or any number of them, to put in operation. The old laws might be equal to the removal of abuses, but they were by no means equal to the institution of improvements: there was a law for removing masses of filth or noxious stenches, but there was none by which you could furnish to the working classes a pure, ample, and constant supply of water. The hon. Member for West Surrey (Mr. H. Drummond) had remarked that some persons had got up an agitation for the purpose of forcing this measure on the country. He (Lord Ashley) had been most deeply implicated in the movement, and was earnestly anxious to carry a legislative measure in furtherance of the object; he, therefore, took to himself all the blame of the hon. Member's reflection, and left him to prove what selfish interests he (Lord Ashley) had in the matter. He asked the hon. Gentleman whether it was not the case that in the opposition to this measure there was not full as much of selfish and pecuniary interest as in the advocacy of the great reform to which he looked? When the hon. Member treated this subject with such great jocosity, he (Lord Ashley) really thought the hon. Member must have forgotten, or perhaps never known, the very deep feeling entertained upon this question throughout the country, and could not have known that in almost every large town and populous locality boards had been formed for the purpose of making periodical reports, and exciting public interest on the subject, all beginning and ending with one and the same complaint, the utter inadequacy of the law for the removal of the great and pressing evils now endured. The city which he (Lord Ashley) represented, might almost be said to be in clover as regarded this question. Two petitions, very amply and respectfully signed by the inhabitants of Bath, had been presented to the House; one to the effect that, approving of many parts of the Bill, they thought that, on the whole, they could make out such a case for Bath that it ought to be exempted from the operation of the law; the other that, though many people took exceptions to parts of this Bill, yet upon the whole they thought it exceedingly good, and called for by the necessities of the country, and therefore requested their representatives not to give way to any local interests, but to suffer the general necessity to overrule them. He should, therefore, vote for going into Committee, with a view to the introduction of such amendments as might be found necessary. The hon. Member for West Surrey had asked, what possible connection there could be between typhus and crime? Could there be a doubt that the same condition of things and habits of life which gave rise to fever, also powerfully stimulated to the perpetration of crime. If the hon. Member would consider the modes of life too prevalent amongst some unfortunate classes, and the noxious influences by which they were surrounded, he would perceive with the slightest consideration that their operation on the physical state was such as made it impossible for them to practise many of the lessons of decency and virtue which they might have practised in their early life. The noble Lord then quoted, in illustration, the statements of Dr. Neil Arnot respecting the condition of Glasgow, and Mr. F. Cooper respecting that of Southampton:—

"In Glasgow, which I first visited, it was found that the great mass of the fever cases occurred in the low wynds and dirty narrow streets and courts, in which, because lodging was there cheapest, the poorest and most destitute naturally had their abodes. From one such locality, between Argyle-street and the river, 754 of about 5,000 cases of fever which occurred in the previous year were carried to the hospitals. In a perambulation on the morning of September 24 with Mr. Chadwick, Dr. Alison, Dr. Cowan (since deceased, who had laboured so meritoriously to alleviate the misery of the poor in Glasgow), the police magistrate, and others, we examined these wynds, and to give an idea of the whole vicinity I may state as follows:—We entered a dirty low passage like a house door, which led from the street through the first house to a square court immediately behind, which court, with the exception of a narrow path round it, leading to another long passage through a second house, was occupied entirely as a dung receptacle of the most disgusting kind. Beyond this court the second passage led to a second square court, occupied in the same way by its dunghill; and from this court there was yet a third passage leading to a third court and third dungheap. There were no privies or drains there, and the dungheaps received all filth which the swarm of wretched inhabitants could give; and we learned that a considerable part of the rent of the houses was paid by the produce of the dungheaps. Thus, worse off than wild animals, many of which withdraw to a distance and conceal their ordure, the dwellers in these courts converted their shame into a kind of money by which their lodging was to be paid! The interiors of these houses and their inmates correspond with the exteriors. We saw half-dressed wretches crowding together to be warm; and in one bed, although in the middle of the day, several women were imprisoned under a blanket, because many others who had on their backs all the articles of dress that belonged to the party were then out of doors in the streets. This picture is so shocking that, without ocular proof, one would be disposed to doubt the possibility of the facts; and yet there is, perhaps, no old town in Europe that does not furnish parallel examples. London, before the great fire of 1666, had few drains, and had many such scenes, and the consequence was a pestilence occurring at intervals of about 12 years, each destroying at an average about a fourth of the inhabitants. Who can wonder that pestilential disease should originate and spread in such situations? And, as a contrast, it may be observed here, that when the kelp manufacture lately ceased on the western shores of Scotland, a vast population of the lowest class of people, who had been supported chiefly by the wages of kelp labour, remained in extreme want, with cold, hunger, and almost despair pressing them down—yet, as their habitations were scattered and in pure air, cases of fever did not arise among them."

With respect to Southampton, Mr. Francis Cooper, surgeon, stated—

"During the period of my parochial attendance on the poor, I have more than once been compelled, in the depth of winter, and at midnight, to stand in the street, and walk to and fro till my assistance has been required, not being able to breathe the air of the apartment in which the wretched sufferer lay. And very recently, on being sent for to a poor woman, I was obliged to absent myself till the very moment of parturition, the air being so bad, so offensive, that a sort of stupor and lassitude rendered me unable to remain. On visiting the patient the following morning, I was curious to ascertain the actual dimensions of the outlet at the back of the tenement, and found it six feet long by three feet wide, and at the end of the yard, so called, a privy was erected, only about three feet deep, and from which the urine and other liquid deposits were carried away by ground leakage, thus keeping up continual smells of a most noxious character, and acting as one of the most active agents of destruction to health. The rooms, too—only one above and below—were so low and small, so ill-contrived, as to be unfit for human residence; the structural arrangements so utterly bad as to be a reproach, not only to our civilisation, but to our very humanity. There was no water laid on, no convenience for stowage, the coals being under the stairs, and the pantry (I suppose I must call it so) being placed between the back door, opening on the yard and the sitting-room, into which every breeze from the west carried the effluvium from the spot at the back of the dwelling, and which, in warm weather, was continually breathed by the occupiers, whose powers of resistance to the deadly influence of such malaria could not possibly continue for any length of time. The tenements, several in number, were erected at the back of others of large dimensions, and on the side of undrained privies, without drainage, without water, with no positive useful structural arrangement of any kind—mere brick and mortar run up, as the technical expression is, no party-wall (the Act of Lord Normanby is constantly evaded), no basement elevation, no internal appliance for securing comfort or preserving health, and yet 3*s.* 6*d.* per week was paid for rent, 9*l.* 2*s.* a year, or 18 per cent, for what could not have amounted to more than 50*l.* or 60*l.*, at the outside, as the original cost of erection. Who can wonder at the poverty and wretchedness of the poor? Who can be surprised that disease makes such havoc amongst the labouring population? Need we comment on the disastrous tendencies which such a state of things suggests?"

The unhappy beings who were compelled to live in scenes of such putridity and filth grew gradually debilitated and powerless. They became unable to do a day's work, and, sinking into the most abject condition of pauperism, were tempted to perpetrate deeds of violence, and to commit crimes of the foulest and most disgraceful description. There was no man whose evidence on matters affecting the poor was of higher authority than Dr. Southwood Smith; and in his examination before the Commissioners for Inquiring into the State of Large Towns and Populous Districts, he gives the following evidence:—

"Do you think that neglect of decency and comfort is likely to render those persons reckless of consequences, and inclined to a mode of getting their living dishonestly?—The neglect of the decencies of life must have a debasing effect on the human mind; and hopeless want naturally produces recklessness. There is a point of wretchedness which is incompatible with the existence of any respect for the peace or property of others; and to look in such a case for obedience to the laws when there is the slightest prospect of violating them with impunity, is to expect to reap where you have not sown.

"I have myself seen a young man, 20 years of age, sleeping in the same bed with his sister, a young woman 16 or 17 years old. That incestuous intercourse takes place under these circumstances there is too much reason to believe; and that when unmarried young men and women sleep together in the same room, the women become common to the men, is stated in evidence as a positive fact; but I regard another inevitable effect of this state of things as no less pernicious; it is one of the influences which, for want of a better term, may be called unhumanising, because it tends to weaken and destroy the feelings and affections which are distinctive of the human being, and which raise him above the level of the brute. I have sometimes checked myself in the wish that men of high station and authority would visit these abodes of their less fortunate fellow-creatures, and witness with their own eyes the scenes presented there; for I have thought that the same end might be answered in a way less disagreeable to them. They have only to visit the Zoological Gardens, and to observe the state of society in that large room which is appropriated to a particular class of animals, where every want is relieved and every appetite and passion gratified in full view of the whole community. In the filthy and crowded streets in our large towns and cities you see human faces retrograding, sinking down to the level of these brute tribes, and you find manners appropriate to the degradation. Can any one wonder that there is among these classes of the people so little intelligence—so slight an approach to humanity—so total an absence of domestic affection, and of moral and religious feeling? The experiment has been long tried on a large scale with a dreadful success, affording the demonstration that if, from early infancy, you allow human beings to live like brutes, you can degrade them down to their level, leaving to them scarcely more intellect, and no feelings and affections proper to human minds and hearts. Have you examined frequently the houses of individuals among the poor in these neglected districts?—Yes. Have you noticed particularly the state of the air in their apartments?—I have; and it sometimes happens to me in my visits to them, as physician to the Eastern Dispensary, that I am unable to stay in the room even to write the prescription. I am obliged, after staying the necessary time at the bedroom of the patient, to go into the air, or to stand at the door, and write the prescription; for, such is the offensive and unwholesome state of the air, that I cannot breathe it even for that short time. What must it be to live in such an atmosphere, and to go through the process of disease in it?"

There was another witness also, whose testimony on such questions as those was of the very highest importance, the Rev. J. Clay, chaplain of Preston gaol; and he too was most decidedly of opinion that the physical condition of human beings exercised a most potent influence over their moral condition:—

"It should be impressed upon every one desirous of the melioration of his kind, that filthiness of person and sordidness of mind are usually united; and if you would banish squalor and sickness from the labourers' cottage, you must remove ignorance and corruption from his head and heart. Amidst the dirt and disease of filthy back courts and alleys, and yards, vices and crimes are lurking altogether unimagined by those who have never visited such abodes."

Nothing could be more distinct than the rev. gentleman's statement of the connexion between disease and crime, and between filth and immorality. His own personal observation entirely corroborated the testimony of Dr. Southwood Smith and Mr. Clay. From the examinations he had himself made, as well as from the evidence he had been able to collect, he had arrived at the conclusion that more than one half of the habits of intoxication which disgraced large towns and populous districts arose from the sanitary condition in which the population were permitted to live. It was impossible to visit the squalid localities in which the poor were huddled together in many of the towns of England, and to view their pallid, sinking, worn-out forms, and their livid, hueless faces, without experiencing a feeling of compassion which almost prompted one to justify the act of human beings, who, to escape from the contemplation of their unutterable anguish, and to prop a sinking constitution, had recourse to ardent spirits, or other modes of fictitious excitement. He had gone over the records of the fever hospitals of London, and was enabled to trace in them the connexion between the sanitary and moral condition of the people. He had also discovered this terrible and startling truth, that fever, which was the offspring of bad air and defective drainage, fell, in the large proportion of cases, not on children, not on old people, but on adults in the very prime of life. It did not cut off those who, being very young, could not contribute to the general prosperity of the realm; nor those who, being very old, were a burden to it; but it hurried to the grave the heads of families, who left behind them a flock of children and a widow or widower, as the case might be, to be sustained out of the parish funds, or by the charity of private individuals. If the hon. Member for West Surrey, or any one else, doubted this statement, he would implore of him to perambulate the pauper districts of the metropolis, and judge for himself. He would then be able to know, by means of personal inquiries, whether the fact was so, and also whether the poor people thus miserably circumstanced were or were not sensible of their condition, and did or did not desire to be relieved from it. He (Lord Ashley) had repeatedly heard, from the lips of the poor themselves, this sickening and awful complaint—the full force of which might be felt with peculiar emphasis, just at this moment when we were enjoying such delightful weather—that they looked with terror at the approach of fine weather. What was a blessing to others was to them a positive curse; for they assured him that when the sun shone forth in its full splendour, the "summer stinks"—that was their phrase—became altogether intolerable. Anything more pitiable, more touching, or more deplorable than that complaint, it was impossible to imagine. But the most cogent aspect in which this question could be viewed, was that which had reference to the influence of the physical condition of those poor people on their moral nature. Let them collect the evidence of all the clergymen of all religious denominations—let them collect the evidence of all the Scripture readers, district visitors, and city missionaries throughout the kingdom—and if, out of the entire body, there could be found twenty to deny that there was an intimate connexion of misery with filth, and of crime with both—if there could be found twenty to deny that the connexion between the moral and physical condition of the poor was most intimate and inevitable, he (Lord Ashley) would not only oppose the present Bill, but would undertake to join any man or any number of men in an effort to resist any proposition that might at any future period be made to make this question the subject for a legislative enactment. His noble Friend the Member for Plymouth had been taunted for saying that all attempts to diffuse education amongst the poor were little better than vain and profitless, so long as they were permitted to continue in their present sanitary condition; but the noble Lord had said nothing more than had been already expressed on many occasions by others. He (Lord Ashley) concurred unreservedly in the statement, and was most distinctly of opinion that it was next to impossible that any genuine or lasting good should result from education so long as Parliament left the people in their present condition. His experience of the ragged schools confirmed him in the conviction, for he there saw the extreme difficulty, if not the absolute impossibility, of training children in the way they should go, who, after school hours, were permitted to return to the filthy purlieus from which they had issued in the morning, there to unlearn in one hour what their preceptors had spent a week in endeavouring to teach them. In a few isolated cases the power of education might prevail over all evil influences; but on the great mass of cases its beneficial effect would be wholly counteracted. He had to thank the House for the kindness with which they have heard him, and should apologise for having trespassed at such length on their attention. In conclusion, he would express an earnest hope that the House would permit the Bill to go into Committee, there to undergo such alterations and amendments as might be considered necessary. He trusted that they would concede thus much; and by so doing make one onward step to the recovery of those unhappy people, and to the recognition of their right to be placed on a level with sentient and immortal beings.

Mr. MUNTZ hoped that such improvements would be made in the Bill in Committee as would render it useful to society, and acceptable to the country at large. If it should come out of Committee no better than it went in, it would of course be competent for the House to reject it on the third reading. He did not wish to contradict any statement of the noble Lord the Member for Bath, whose intentions were uniformly so pure and philanthropic that one was disposed to hear with sympathy whatever he said or did; but he could not refrain from expressing an apprehension that the noble Lord's zeal might induce him to expect from the Bill results which could never be realised by any sanitary measure. All the sanitary measures that were ever concocted could not confer longevity on a needle pointer, a gun-barrel maker, or a type maker. The principle of centralisation was inculcated in the present Bill to far too great an extent. There was no sufficient reason that he had ever heard why the old practice of the English constitution, which left local affairs to the management of local boards, should be departed from. He was willing to admit, however, that it might, perhaps, be a very wise and judicious proceeding to have persons travelling through the different cities, towns, and boroughs of the kingdom, to ascertain from personal inspection whether the duties devolving on the local authorities with respect to the sanitary condition of the people were properly attended to or not. The persons so inspecting should send reports to the Secretary of State; and in cases where the local authorities persisted in a neglect of duty, the propriety of compelling them to act properly should, of course, be at once decided on. The Bill might be materially improved in all matters which involved the principle of centralisation, and by the introduction of provisions which would ensure to those who were to supply the money necessary for its operation the privilege of having the management of it in their own hands. He would not oppose their going into Committee, but was decidedly of opinion that great improvements ought to be introduced into it before it was imposed on the country.

Mr. JOHN STUART complained that there had been much misrepresentation of the views of those who sat on the same side with him, and opposed going into Committee on the Bill. Their true motives and views had been properly propounded by his Friend the hon. Member for Oxfordshire, and by the hon. Member for Dorsetshire (Mr. G. Bankes), who had seconded the Amendment now under consideration. What the hon. Member for Oxfordshire had proposed was, that before going into Committee they should thoroughly understand certain principles which ought to guide their proceedings in Committee. Surely nothing could be more rational or more judicious. The hon. Member for Manchester had, with great truth, observed that the principle of centralisation, which was found so often in the Bill that it might justly be termed its pervading principle, was highly objectionable. So far from thinking that that principle of centralisation was essential for such a measure as the present, he was decidedly of opinion that it would be fatal to this and any other measure that might hereafter be introduced on the subject. He was not alone in that opinion. It was shared by every one who had given the matter his unprejudiced attention; and he was not without hope that the noble Lord who had charge of the Bill would on consideration adopt that opinion himself. The Bill ought not to confer upon any one man in London, or any one class of men, be their number three or five, or what it might, the power of domineering over and dictating to every borough, city, and town in the kingdom. The hon. Member for Oxfordshire had declared his readiness to go at once into Committee, if the Government would give any assurance that in Committee they would consent to consider that question as well as the most objectionable power proposed to be given to the Privy Council (but which would in fact be given to the central board in London under the order of the Privy Council), of repealing all private Acts of Parliament now in existence, relating to drainage and sewers, without Parliament knowing or hearing anything whatever on the subject. He would also consent to go into Committee, if Government would give an assurance of their readiness to reconsider those two most exceptionable principles—principles which he ventured to predict would be fatal to the success of that and of any other measure that was tainted with them. He hoped that the noble Lord at the head of the Government, instead of lecturing the Gentlemen opposed to him for delay, which it was in the power of the noble Lord himself to avert, would, if he found that they had made out a case in support of their views, adopt it, and act manfully upon it. He was sure that the Government had intended to bring in a good Bill, and in order to that end they had bestowed great pains in collecting a mass of evidence to guide them. But he feared that they had been wofully misled by views impressed on them by certain parties, of whom he would not say that they were interested, but that they had been themselves led astray by most erroneous notions. Mr. Chadwick, whom he believed to be an intelligent, industrious, and well-informed gentleman (he only knew him from his works), had collected all the evidence in favour of centralisation that could be anywhere procured, and it was published in the *Report of the Sub-Committee of the Association for Sanitary Improvement.* To the result of that accumulation of testimony he begged to call attention. That Sub-Committee had prepared eleven questions which were levelled at the inefficiency of all local authorities. One of those questions related to how far it was possible to find in any town in Great Britain persons fit to be entrusted with the imposing or collecting of a rate—[Viscount MORPETH: Perhaps it is right I should state that, to the best of my belief, Mr. Chadwick had no concern whatever with the publication to which the hon. and learned Member alludes.] That announcement of the noble Lord was rather strange, as the copy of the report from which he (Mr. Stuart) was reading had been sent to him from Mr. Chadwick himself. He had been led to understand that Mr. Chadwick was the author; but whether that gentleman wrote the pamphlet or not, it was at least certain that his opinions were embodied in it. The tenth question was, "Is there in the town any person who would be considered an authority with reference to sanitary work?" An answer was returned to that question from various towns, great and small, and the result of the answer was given thus:—Out of fifty-nine cases the answer in forty-nine cases was "No." The eleventh question was, "Whether there was any person who would be considered an authority with respect to collecting or imposing a rate?" The reply was "No;" and amongst the towns comprised in that reply was the city of London. The fact of the matter was, the Bill, as framed on the principle now embodied in it, was a libel on every town in the kingdom. The hon. Gentleman the Member for West Surrey had given them a short account of the provisions of this Bill, which prominently brought into view the objectionable parts of it. It appeared that by the principle of centralisation embodied in this Bill, the central board might issue orders to enter the house of any man in any town in England, make such improvements as they thought fit, at such time as they thought fit, and then compel him to pay for their improvements, however much he might dislike them. He would say that was a monstrous clause, and that the people of England would never stand the imposition of such a power. He hoped the noble Lord would define what the powers of the central board were to be. The principle of centralisation, in his opinion, if worth anything, was to give an absolute power to the board in London in the administration of all the provisions of the Bill. They might depend upon it that the existence of a central power, with absolute authority to issue its orders from London, would prevent the due working of this Bill. Instead of now being at work in the Committee examining the clauses of this Bill, in order to pass it as speedily as possible into a law, the House was now in the second night of a debate, in which the question to be considered was whether the centralising principle was one which ought to be carried to the extent to which this Bill proposed to carry it. He thought that the suggestion of the hon. Member for Oxfordshire should not be rejected. That hon. Member had said that, instead of a central board permanently existing for the purpose of meddling and interfering, and, if they pleased, domineering over every town in England on sanitary matters, they should take the Inclosure Act, introduced by the noble Lord the Member for Falkirk in the year 1845, as a model for the present Bill; and he (Mr. Stuart) did not hear any one say a word in answer to that suggestion of the hon. Member for Oxfordshire. He did not say that the present Bill could not be made a good Bill. If the noble Lord would only consider the nature of the provisions of the Bill of 1845 with reference to the constitution of the central board, he entertained the most confident expectations it would end in the model being adopted in reference to the present Bill. He submitted that the Government should consider the matter before they plunged into Committee. If they went into Committee with the Bill in its present shape, it would be impossible to get it through in six months. The noble Lord the Member for Falkirk so entirely agreed with them in thinking that a proper sanitary measure was necessary, that he did not oppose the Motion to go into Committee; but he had given notice of a Motion which would knock the Bill on the head—he meant so far as the principle of centralisation was concerned. He understood the noble Lord to give notice to move the omission in the Committee of the 4th and 5th Clauses. They were the clauses to authorise the appointment of the General Board of Health and its supervision over all the towns in the country. They were the clauses by which three gentlemen in Somerset House, or in whatever locality this board was to exist, were to have absolute power over all the local authorities in the kingdom. That, in fact, was the principle they were contending about, and the principle which the hon. Member for Oxfordshire wished to have considered and discussed before going into Committee. Now, if they went into Committee, and if the 4th and 5th Clauses were expunged, what would become of the Bill? He defied the Government to carry this Bill with its centralising powers, and with the powers to the Privy Council to repeal all or any of the local Acts of Parliament that had been passed. He implored of the Government to give way on this point, and allow them to go into Committee, and proceed on a scheme different from that now proposed by the noble Lord so as to carry through an efficient measure. He would remind the House that the Bill of the noble Lord the Member for Falkirk, in 1845, was opposed by those who now supported the Government, but who at that time sat on the Opposition benches. The noble Lord sought to appoint commissioners for the purposes of inclosure, to whom, for a time, the power should be committed; and when that proposition was made, it was urged to give the power to the Tithe Commissioners. The nature and scope of the objection urged in argument was, that the Enclosure Act was a private and local matter, and that it was wrong to appoint a board in London, having power to extend over the whole kingdom and interfere in private and local matters. The noble Lord the Member for Falkirk was opposed by the present Government: they thought it too much that the then Government should have the appointment of a commission; they told them to renounce the patronage and give the office to the Tithe Commissioners, whom the previous Whig Government had appointed themselves. Now this Bill would give an immense amount of patronage to the Government, which ought to be entrusted to the local boards. Although he would not go so far as to say that the Government had framed the Bill in its present objectionable shape in order merely to create patronage, yet he was confident that motive would be attributed out of doors. Unfortunately Whig Governments had exhibited at all times wonderful powers of creating places, with proper salaries for their supporters. The noble Lord at the head of the Government ought to know what was said out of doors on this subject. He (Mr. Stuart) had heard it stated, and truly stated, that such was the wonderful power of the Whigs to create places and salaries, that they had actually so contrived it that out of the famine in Ireland ten thousand pieces of patronage had been created; and his noble Friend the Member for Lynn (Lord G. Bentinck), always remarkable for his accuracy and research, informed him that the number was understated at 10,000, and that, in fact, the number of persons employed in the distribution of relief to the famishing poor of Ireland was about sixteen thousand. The other principle of the measure was also objectionable, and on stronger grounds, if there could be stronger grounds of objection than those he had mentioned. That principle was to entrust the Privy Council, at the suggestion of any person, with the power of repealing all or any of the local Acts throughout the country. They objected to that scheme; they would say to the Government, let them have a body of men on the principle of the officers under the Enclosure Act of 1845; but let them not have power to set aside what had been done by the Legislature, at the suggestion of any general board. Let them recollect that no local Acts were now passed without inquiry; and were they to give a power to the Privy Council, at the suggestion of the General Board of Health, to repeal those Acts? He protested against going into Committee on this Bill until he was satisfied as to the principle on which it was to be carried out.

Captain PECHELL was willing to believe that the noble Lord who had been charged with this Bill was desirous of carrying out useful objects so far as the same was in his power. He was aware that there existed a great feeling throughout the country that something ought to be done with regard to the sanitary question. He had been a Member of that House for fourteen years, and during the whole of that time he had uniformly opposed every attempt to carry out the principle of centralisation. He believed that Mr. Chadwick was a very able gentleman, and he thought that the country was under great obligations to Mr. Chadwick, inasmuch as it was owing to the evidence which that gentleman had given before the Andover Committee, that the reform had taken place in the composition of the Poor Law Commission. No one could have heard that evidence without being grateful to him for what he had done to destroy root and branch the centralisation system. He would aid the hon. Member for Newark in all the attempts which he might make to prevent local bodies being brought under the government of any central body.

Mr. W. MILES said, the most important question for the consideration of the House was, whether the powers sought to be given by the Government to the central board were not more than sufficient. Without pledging himself to the details of the measure, he admitted that it was a great improvement on the Bill of last year, and that if the inspectors were paid on the same principle as those appointed under the Commons Inclosure Bill, the greatest objections to the measure would be removed. He was perfectly satisfied that some Government authority must be exercised, and believed the noble Lord had placed the local authority in the proper hands, as the town-council of each borough were to elect the inspectors. He lamented that the noble Lord had not introduced some measure of the kind for the metropolis, in which there were 2,000,000 of people, and where thousands were carried off annually by pestilence. From a book which came out a few years ago, it appeared that the least mortality was in the agricultural districts. [The hon. Member then read a statement of the average mortality in Wiltshire of three classes, namely, professions, tradesmen and mechanics, servants and labourers, and, comparing it with the average mortality of similar classes residing in the Whitechapel union, the Strand union, Liverpool, and other towns, showed that the mortality of the latter places was greatly in excess.] These facts showed the actual necessity for a Bill of this kind. There were, however, certain clauses in the Bill which he should oppose in Committee.

Mr. NEWDEGATE, amid calls for a division, remarked that the measure would subvert the local administration wherever it came into operation. It had been stated that the appointment of officers under the

Bill was vested, not in the Central Commission, but in the town-council. But the Central Commission retained in their own hands the power of deciding as to the number of officers to be appointed. That was a most objectionable part of the Bill, and would cause the nominees of the Government to be appointed in every district.

Mr. WYLD was understood to say, that his constituents entirely approved of the appointment of a central board as the only means of preventing local jobbing; and in that view he entirely concurred. The working classes, the large masses of the people, were favourable to the measure as a whole; but there were certainly serious objections to some of the clauses, which would require consideration in the Committee.

Mr. URQUHART said, that as the Government had already given, in one or two instances, a pledge of their willingness to make concessions, he would take it as an earnest of their future intentions. He would, therefore, withdraw his Amendment.

House in Committee.

On Clause 1—

" Act may from time to time be applied to any part of England and Wales except city of London," &c.

Mr. BANKES moved, as an Amendment, the omission of all the words after the word " Wales." The result of this Amendment would be, to make the Bill a general one, instead of being an exceptional one. As the Bill was at present constituted, London and other metropolitan districts were excluded from its operation. He begged leave to disclaim any personal imputation upon the noble Lord in the observations which he made the other night, when he alluded to the wretched and unwholesome state of the districts in which the House of Commons was situated. But it was a fact that tall chimneys o'ertopped even the palace which they were then building, from which most noxious gases were emitted, the effects of which were visible in the withered trees and stunted vegetation in the neighbouring squares; and so much did this evil prevail, that a school of ancient celebrity (Westminster) had been broken up and abandoned since Saturday last. He had no scruple in proposing the omission of the words, as he believed the inclusion of London and the metropolitan districts would have the effect of removing a great deal of the heart-burnings and ill-feeling which the measure had excited throughout the country.

Viscount MORPETH said: I am quite willing to concede to the hon. Member for Dorsetshire, that I do consider it a defect in the present Bill that it does not include London and other metropolitan districts; and whether it be a defect or not, I must say, that it was my original intention to have included them — an intention which was only abandoned when I found the insuperable difficulties which lay in the way of all general legislation upon this point. But I do not think it is surprising that in a community so vast as this is — in a state of society so complicated — I am not exaggerating when I say that there are more than a hundred local Acts affecting these localities — I say it is not surprising that we cannot embody legislation for the metropolis in one general Act. For the same reason I regret that Scotland and Ireland are not included; and that they are not so is not because they do not want a code of sanitary legislation, but because the different circumstances of those countries make us think it would be wise to bring in separate measures to effect our object. At all events I do not see that the exclusion of London makes against the general principle of the Bill. If the Bill is serviceable, the hon. Gentleman ought not to vote against it because London is excluded: he ought to permit its application to the rest of the country. It would not be possible in the same limits, and the same period of time, to make the Bill applicable to the metropolitan districts. With respect to the words which the hon. Gentleman proposes to omit, I must inform him that there is a commission of sewerage occupying a range of five miles from St. Paul's. If I had a map, I could show him the extent; but I thought that the existence of this commission and this range of sewerage made a very reasonable limitation to the provisions of the Bill. Without pledging myself to as much as I would wish to do, I hope that no reason can be urged which would alter my views, and that I soon may be at liberty to direct my attention to the case of London.

Colonel SIBTHORP: The Scripture says that there is joy over one sinner that repenteth. I am very glad that the noble Lord has followed the advice of the hon. Member for Dorsetshire, and that the city of London is to be included, or that there is to be a separate Bill for that purpose.

He found in the 1st Clause that the cities of London and Westminster were to be exempted. He had all along expected that it was convenient to exclude London —Westminster scratched London, and London scratched Westminster. Was he now to understand that the Bill was to apply to the country at large? He fully agreed with the hon. Member for Dorsetshire, in wishing London and Westminster to be included in the Bill; for if you were going to purify, cleanse, and scour, why exclude London and Westminster, which were, perhaps, more impure than other towns? He should oppose the 1st Clause of the Bill, but that should not prevent him also opposing every subsequent clause; for the whole Bill was a job—it was a Government job. He meant to say that it was a desire on the part of the Government to saddle the country with heavy expenses to feed and fatten men who were poor and lean. Therefore he objected to the Bill *in toto*. From Clause 1 to Clause 152, there was not a single clause that he could approve of. He lamented that the Chancellor of the Exchequer was not here; perhaps his blushes detained him; for although there was a deficiency in the revenue of between two and three millions, yet the House was called upon to create new Commissioners without any intimation from the noble Lord what their salaries were to be, or any intimation what was to be the number of officers, clerks, &c.

The Marquess of GRANBY expressed his desire to have some explanation of the reason why London was excluded from this Bill. At one time he thought it was rather slighting of the noble Lord to exclude the first city of the country from the benefits to be derived from the Bill; but now we were told that London was not to be altogether deprived of the benefits of the Bill, but that there was to be another and a special Bill brought in for the city of London. He could not help regretting that his noble Friend had not listened to the advice which had been tendered to him by the hon. and learned Member for Oxfordshire. Had he done so, he might have succeeded in his object of ameliorating the condition of the poor, and have laid a foundation for raising them in the moral and intellectual scale. He despaired of the Bill, as long as it contained the un-English, unconstitutional principle of centralisation. There was no chance of being able to eradicate this odious principle in time to enable them to pass the Bill as it ought to be.

Mr. NEWDEGATE observed, that the noble Lord had stated that there were 100 local Acts in London; but had he any idea of the number of local Acts in the country which were to be placed at the discretion of the Privy Council by the Executive?

Viscount MORPETH: It is not the number of scattered Local Acts which makes the difficulty; it is the 100 in the lump.

Mr. HUDSON said, the noble Lord had had ample time to introduce a Bill for the city of London. On a former occasion when London was excluded from the operation of the Municipal Act, the Minister of the day promised to introduce a separate Bill; but no such Bill had been brought forward, and a strong impression prevailed in the country that a similar course would be pursued with respect to the present measure. He had just come from York, where the town-council had passed a resolution against the Bill. Under the municipal system, where the suffrage was almost universal, the people had shown themselves quite capable of managing their own affairs, and he did not see why they should be unable to attend to sanitary measures. The great ground of complaint at present was, that if a man built a street of houses, there was no power to compel him to make a sufficient drainage. That was a reason for a measure to enforce drainage; but it was no reason for a measure of centralisation. It seemed to be supposed that all judgment rested in the city of London. He knew the very reverse. Some years ago he had had a requisition from the holders of 3,800,000*l*. out of 4,000,000*l*. of stock, requesting him to take the management of a company out of the hands of the London directors. The principle of government in this country was, that we should not be taxed but by our representatives. The town-council of York were elected by the people of York. He was perfectly satisfied that the system of centralisation was repugnant to the feelings of the people; and there would be an opposition from all quarters to that system, but not to a Bill that would really improve the health of towns. In order to remove one blot from the Bill, he should vote with the hon. Member for Dorsetshire to include London. It was said that there were a number of Acts in London;

but why not deal with them as with the Acts regulating provincial towns? Every new constituted body in a town was attended with certain expense to that town; but give the power to the corporation, and they would have their own officers who would conduct matters better than the new constituted body. The new set of officers would double the expenses of the town. For these reasons he hoped the noble Lord at the head of the Government would take into consideration the strong feeling which existed in the country against centralisation, and remodel the Bill.

Lord J. RUSSELL: The hon. Gentleman, following the example of a great many others, has spoken of this Bill as a Bill entirely of centralisation, whereas I should say that 9-10ths of the Bill give a power to these local bodies. The main effect of the Bill is to give to these local bodies that power which the hon. Member says they have not. There is, no doubt, a part of the Bill which does give a central control; and when we come to that clause, the question for the Committee to consider will be, first, whether there should be any such central authority; and next, whether the plan proposed by the Government, or that proposed by the noble Member for Falkirk should be adopted. I confess I think it far better that the Committee should consider the essential question, and the practical question, and not, misled by the word "centralisation," shut their eyes to that which is the essential object of the Bill, namely, giving local bodies the power of making sanitary laws. If we confine the Bill to the limits of corporations, it would be necessary they should have powers in the manner we propose.

Mr. BROTHERTON had no hesitation in saying that this measure was absolutely necessary. No class was more interested in passing it than the working classes. A great deal had been said about this bugbear "centralisation." The fact was, the noble Lord had made those concessions with regard to this Bill which gave the power entirely to the local bodies; and if the citizens of York were so unanimous as the hon. Member stated, they had no occasion to apply to the Government. The hon. Member must recollect that this Bill was a great boon to the country.

The Committee divided on the question that the words proposed to be left out stand part of the clause:—Ayes 240; Noes 71: Majority 169.

List of the Ayes.

Abdy, T. N.
Acland, Sir T. D.
Adair, H. E.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Ashley, Lord
Bagshaw, J.
Bailey, J.
Baines, M. T.
Baring, rt. hn. Sir F. T.
Barnard, E. G.
Barrington, Visct.
Barron, Sir H. W.
Beckett, W.
Bell, J.
Bellew, R. M.
Benbow, J.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Blackall, S. W.
Blake, M. J.
Bouverie, hon. E. P.
Bowles, Adm.
Bowring, Dr.
Boyle, hon. Col.
Brand, T.
Bright, J.
Brotherton, J.
Brown, W.
Browne, R. D.
Buller, C.
Bunbury, E. H.
Burroughes, H. N.
Buxton, Sir E. N.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Caulfield, J. S.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Chaplin, W. J.
Charteris, hon. F.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Cocks, T. S.
Courtenay, Lord
Cowper, hon W. S.
Craig, W. G.
Crawford, W. S.
Currie, H.
Curteis, H. M.
Dalrymple, Capt.
Davie, Sir. H. R. F.
Denison, W. J.
Devereux, J. T.
Dodd, G.
Douglas, Sir C. E.
Drummond, H.
Duff, G. S.
Duncan, G.
Duncombe, hon. A.
Dundas, Adm.
Dundas, Sir D.
East, Sir J. B.
Ebrington, Visct.
Elliot, hon. J. E.
Estcourt, J. B. B.
Euston, Earl of
Evans, J.
Evans, W.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, hon. J. W.
Fox, R. M.
Fox, W. J.
Glyn, G. C.
Goddard, A. L.
Godson, R.
Granger, T. C.
Greenall, G.
Greene, J.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hall, Sir B.
Hallyburton, Lord J. F.
Hamilton, G. A.
Hanmer, Sir J.
Hardcastle, J. A.
Hawes, B.
Hay, Lord J.
Hayes, Sir E.
Hayter, W. G.
Headlam, T. E.
Heathcoat, J.
Heathcote, G. J.
Heneage, E.
Henry, A.
Heywood, J.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hogg, Sir J. W.
Hollond, R.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Hume, J.
Hutt, W.
Inglis, Sir R. H.
Jackson, W.
Jervis, Sir J.
Johnstone, Sir J.
Keppel, hon. G. T.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. E.
Lascelles, hon. W. S.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Loch, J.
Lockhart, A. E.
M'Naghten, Sir E.
Macnamara, Major

Mahon, The O'Gorman
Maitland, T.
Mangles, R, D.
Marshall, J. G.
Marshall, W.
Martin, S.
Masterman, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Mitchell, T. A.
Morpeth, Visct.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Newry & Morne, Visct.
Norreys, Lord
Norreys, Sir D. J.
O'Connell, M. J.
Ogle, S. C. H.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmer, R.
Palmer, R.
Parker, J.
Patten, J. W.
Pattison, J.
Pechell, Capt.
Peel, rt. hon. Sir R.
Perfect, R.
Peto, S. M.
Philips, Sir G. R.
Pigott, F.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Power, N.
Powlett, Lord W.
Pugh, D.
Rawdon, Col.
Reid, Col.
Rendlesham, Lord
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, J.
Russell, Lord J.
Russell, F. C. H.
Russell, hon. E. S.
Rutherfurd, A.
Salwey, Col.
Sandars, G.
Scrope, G. P.
Seymer, H. K.
Shafto, R. D.
Sheil, rt. hon. R. L.
Simeon, J.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smith, J. B.
Somerville, rt. hon. Sir W.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord D.
Stuart, H.
Sturt, H. G.
Talbot, C. R. M.
Talfourd, Serj.
Thicknesse, R. A.
Thompson, Col.
Thompson, Ald.
Thornely, T.
Tollemache, hon. F. J.
Towneley, C.
Towneley, J.
Traill, G.
Turner, E.
Tynte, Col.
Vane, Lord H.
Verney, Sir. H.
Vivian, J. H.
Walmsley, Sir J.
Ward, H. G.
Watkins, Col.
West, F. R.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyld, J.
Wyvill, M.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the Noes.

Adderley, C. B.
Arkwright, G.
Baldock, E. H.
Barkly, H.
Bennet, P.
Bentinck, Lord G.
Bentinck, Lord H.
Beresford, W.
Boldero, H. G.
Brisco, M.
Brooke, Lord
Buck, L. W.
Coles, H. B.
Colvile, C. R.
Deedes, W.
Dick, Q.
Divett, E.
Duncan, Visct.
Egerton, W. T.
Farrer, J.
Fitzroy, hon. H.
Floyer, J.
Forbes, W.
Fuller, A. E.
Galway, Visct.
Goring, C.
Granby, Marq. of
Gwyn, H.
Harris, hon. Capt.
Henley, J. W.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hood, Sir A.
Hotham, Lord
Hudson, G.
Ingestre, Visct.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Knox, Col.
Locke, J.
Mackenzie, W. F.
Manners, Lord C. S.
Manners, Lord G.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Morgan, O.
Muntz, G. F.
Napier, J.
Packe, C. W.
Renton, J. C.
Repton, G. W. J.
Rushout, Capt.
Scholefield, W.
Sibthorp, Col.
Sidney, Ald.
Smyth, J. G.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stuart, J.
Tollemache, J.
Townshend, Capt.
Tyrell, Sir J. T.
Urquhart, D.
Waddington, H. S.
Walpole, S. H.
Walter, J.
Welby, G. E.
Wynn, Sir W. W.

TELLERS.

Bankes, G.
Newdegate, C. N.

Mr. URQUHART then moved the insertion of words in the clause with the view of excluding from the operation of the Bill the borough of Stafford. The whole of the medical men of that town had signed a petition against the measure; and he had now to claim for the borough which he represented, the same immunities which the Government were prepared to extend to the metropolitan districts, and to Scotland and Ireland. The hon. Gentleman concluded by moving a verbal alteration for the purpose specified.

Colonel SIBTHORP seconded the Amendment, and declared his conviction that Lincoln ought also to be excluded from the operation of the Bill. If the Government wanted to purify, they ought to scour the Treasury Bench; there was more mud there, more dirt, more trickery, more manœuvre, more things requiring to be cleansed, than there were in the pure city which he had the honour to represent. At a future stage of the Bill, he would move the exemption of Lincoln from its operation; and he would do so, being at the same time the last man who would stand up for that or for any city, if he thought that it required the purifying and cleansing which this Bill proposed to honour it with.

Viscount MORPETH trusted the hon. Member for Stafford would not think that he treated him with disrespect if he said that he did not think there were any particular circumstances attached to the borough of Stafford which should cause that borough to be exempted from the operation of the Bill. He hoped that the hon. Member having done his duty to his constituents by proposing the Amendment, would not think it necessary to divide the Committee upon the question.

Viscount INGESTRE said, he had been acquainted for some years with the borough of Stafford, and he believed there was no town which so much required the cleansing process as the town of Stafford.

Amendment withdrawn. Clause agreed to.

House resumed.

Committee to sit again.

EVICTED DESTITUTE POOR (IRELAND) BILL.

On the question that the Evicted Destitute Poor (Ireland) Bill be read a Third Time,

Mr. P. SCROPE took occasion to lament that the Government had not extended the operations of this Bill much further. It prevented ejectments on Christmas day, on Sundays, and in the night time; but it did nothing whatever to prevent the spread of that terrible system of depopulation which was now going on in Ireland. He regretted this exceedingly, and hoped the Government would not shut their eyes to the monstrous cruelties which were daily practised in that unhappy country. Evictions were going on in the most wholesale manner. He had abundant evidence in his pocket to prove the truth of what he stated, but did not like to weary the House with the reading of them at that late hour. In Kerry, upwards of 1,000 people had been evicted upon one occasion. They all knew the conduct which had been pursued by some landlords in the west of Ireland, to which the attention of the Government had been forced, but these were far from being isolated cases. The treatment those unfortunate people received from their landlords in Ireland would not be endured in England for a single week. Let any one imagine such an event occurring as 300 or 400 houses pulled down upon one estate in this country, and the inmates driven houseless on the world. What an outcry would be raised—Parliament would at once be obliged to legislate for, and put a stop to, so heartless a system. He would tell the Government plainly that it was such a system as this which was goading the Irish people into rebellion. It was all very well to talk about the rights of property and the power of the landlord; but he could tell them that lawyers were by no means unanimous in opinion that such wholesale evictions were sanctioned by the common law; and even one so early as Lord Coke, in his day, was of quite a different opinion. This terrible evil was increasing every year—every month—in Ireland; those frightful evictions, with all the calamitous consequences attending them, were of daily occurrence; and was it to be wondered at when they saw such a man as Lord Fitzwilliam, one of the best landlords in Ireland, recommending evictions on a large scale as the only remedy for the present condition of Ireland?

Major BLACKALL denied that the system of eviction was extensively practised in Ireland. If the hon. Member, who was so perpetually reviling the Irish landlords, would buy an estate in Ireland and reside upon it for a time, he would not speak so harshly of the Irish landlords.

Bill read a third time and passed.

House adjourned at a quarter to One o'clock.

HOUSE OF LORDS,

Tuesday, May 9, 1848.

Minutes.] *Took the Oaths.*—Several Lords.

Public Bills.—1ª Evicted Destitute Poor (Ireland); Poor Houses (Ireland); Great Yarmouth Freemen Disfranchisement.

2º Provident Associations Fraud Prevention.

3ª and passed;—Indemnity.

Petitions Presented. From King's Lynn, to be relieved from the Payment of Legacy Duty on Bequests made to Charitable Institutions.—By Earl Fortescue, Lord Stanley, Earl of Eglintoun, and Lord Beaumont, from the Members of several Lodges of the Nottingham Order of Odd Fellows, Ancient Order of Foresters, and the Independent Order of Odd Fellows, Manchester Unity, that the Provisions of the Benefit Societies Act may be extended to them.—By Earls Fortescue, and St. Germans, Lords Brougham, Campbell, and Lyndhurst, and Marquess of Clanricarde, in favour of the Jews Disabilities Bill.—From the Inhabitants of Bloomsbury, for the Repeal of the Window Duties.

PROVIDENT ASSOCIATIONS FRAUD PREVENTION BILL.

Lord BEAUMONT, in moving the Second Reading of this Bill, explained at some length the nature of the associations, the difficulties under which they laboured, and the means which he intended to take to remove them. This Bill involved the great question of the right of association, and on that account became of much more importance than might at first appear to a casual observer. He acknowledged the principle that for good and useful purposes men had a right to combine, and not only that, but having combined, that they had a right to claim the protection of the State and legal facilities for effecting their objects; it also involved the great question of social economy, namely, placing within the power of the labouring classes the means of making themselves independent, and assuring that independence in their old age by means of sacrifices during the earlier portion of their lives. Nor did the Bill lose its importance, when they considered the numbers to which it referred. After stating the history of the Odd Fellow, the Forester, and similar societies (one of which societies consisted of 350,000 members, and 4,000 distinct lodges, scattered over different parts of the country), which had been decided to be illegal, as coming within the provisions of the Act of the 39th of George III., cap. 76, the noble Lord argued at some length that, as they were purely of a charitable character, they ought to be put on the same footing as all those other societies which were within the provisions of the Benefit Societies Act. At present the surplus funds were invested in the names of individuals as trustees, as the society could not make an investment in its own name. The trustees often refused to act; large sums were consequently unavailable; and though the instances of actual fraud were few, there were no means of proceeding against the parties where such cases had occurred. This was an evil which ought to be remedied. He proposed by this Bill to render these societies legal. He maintained the principle, which he found had been adopted in the other House of Parliament, that men had a right to associate, and men had associated from a very early period, to provide for themselves and their families in time of distress. The better to secure this object, affiliated societies had been formed which presented far greater advantages than the small isolated societies registered under the 9th and 10th Victoria. In the former, if severe local sickness prevailed, the effect on a society of so vast an extent was scarcely felt; but though they might struggle on under ordinary circumstances any great local affliction immediately exhausted the funds of the isolated societies. The Odd Fellows, Foresters, &c., were not secret but charitable societies, and none of the objections to secret societies were applicable to them. By the Act of George III. all corresponding and affiliated societies were rendered illegal; but that Act was only intended to prevent societies having political objects, and that was proved by the fact, that the Freemasons' Society was specially exempted by name as a society having charitable objects. These societies being equally of a charitable nature, and having no immoral tendency, likewise claimed to be similarly exempted. One evil in the present system was, that the tables were not generally correct; and the result was, that the young members of the society paid for the old, and unless there was a constant influx of the former, and a corresponding removal of the latter, the society soon became insolvent. He believed nothing could be more advantageous to the country generally, than for the Government to call together three or four of the most eminent actuaries to prepare a standard table for all friendly societies. At present one actuary takes one data, another another, and the greatest variety consequently exists in their deductions. For his own part, he should be sorry to encourage young men to enter into these societies unless their present tables were corrected; but he had every reason to expect that if this Bill passed, the large affiliated bodies would apply themselves to the subject, and with their experience they would be able to ascertain and fix a secure rate of contributions. These institutions were most valuable to the country, creating a good feeling, and tending to unite in charitable objects and in friendly views persons of various classes and callings. The petitioners had approached their Lordships in a manner the most respectful, and had professed their attachment to the Government and constitution; and their simple object being to obtain security for those funds which they contributed, in order to provide aid for themselves in old age, he trusted that they would not plead in vain, but receive at their Lordships' hands a measure, which while it inculcated the principle of mutual support, gave to the labouring man a feeling of independence, and allowed him to look to coming years without the prospect of a workhouse. The noble Lord concluded by moving the second reading of the Bill.

The MARQUESS of LANSDOWNE said, he was desirous not to throw any impediment in the way of relief being granted to the evils complained of: at the same time he must state that he could not assent to the principle of the Bill as moved by his noble Friend, which would have a tendency to legalise all societies affiliated together and communicating by signs. By the provisions of this Bill it would be extremely difficult to ascertain whether such societies were kept within the legitimate objects which, of course, they would profess; and, therefore, in giving his assent to the second reading of this Bill, he must not be considered as agreeing to the principle farther than a desire to see this particular society to which the noble Lord had more particularly alluded, and which certainly had a claim upon the attention of their Lordships, provided with a remedy for the evils of which they complained. If, therefore, their Lordships should agree to the second reading, he trusted that it would be so framed in Committee as to limit its provisions to this society. With regard to the defects in the internal regulations of such societies, he considered that a serious evil; and he might mention that Mr. Tidd Pratt had been engaged during the last fortnight in investigating the abuses which had lately been detected in some of the savings banks in the south of Ireland, and which were said to have originated in defects of the law. Those abuses had resulted, he was sorry to say, in the loss of an immense amount of property which belonged to the poorer classes of society, thereby still further aggravating the calamities which had already spread consternation and dismay among the people. He mentioned this to show the necessity of stringent regulations upon the subject, and with these observations he would offer no opposition to the second reading of the Bill.

Lord BEAUMONT said, with regard to the abuses of which the noble Marquess complained, the societies of which he was the advocate had nothing to do; they were fully aware of the defects in the management of most provident institutions, and their great object was, that they might be exempted from these evils by having powers to act as a legal society. He should be very willing when in Committee to endeavour to frame the Bill in conformity with the views of the noble Marquess.

Bill read 2ª. and was referred to a Select Committee.

House adjourned.

HOUSE OF COMMONS,

Tuesday, May 9, 1848.

MINUTES.] NEW MEMBERS SWORN.—For Wicklow, Sir Ralph Howard, Bt.

PETITIONS PRESENTED. By Mr. Matthew Bell, from the Primitive Methodists of Howdon Pans (Northumberland), and other Hon. Members, from several Places, for Better Observance of the Lord's Day.—By Lord Ashley, from Bath, for Encouragement of Free Labour.—By Sir J. Y. Buller, from Kingsbridge (Devon), for Repeal of the Duty on Attorneys' Certificates.—By Lord G. Hallyburton, from Forfar, for Inquiry into the Excise Laws.—By Mr. W. Evans, from Derby, for Exemption of Charitable Bequests from Legacy Duties.—By Lord J. Russell, from the Archdeacon of Waterford, for Abolition of Ministers' Money (Ireland).—By Mr. Brotherton, from Quick's Green in Berkshire, for Reduction of Duties on Tea, Coffee, Sugar, and Cocoa, &c.—By Mr. Archibald, from John Pinkerton Feuar, 39, Wellmeadow Street, Paisley, complaining of Assessment on Windows.—By Lord Ashley, from Master and Journeymen Bakers of Bath, for Inquiry into their Grievances.

PUBLIC HEALTH, WESTMINSTER.

Sir HENRY WILLOUGHBY wished to put a question to the Chief Commissioner of Woods and Forests respecting the public health of the neighbourhood of Westminster. There existed a very considerable degree of fever, partaking of the character of typhus, in that locality, and this was in some degree attributed to the experiments which had been made upon the sewage. He desired to be informed whether the noble Lord had any information as to the bad effects produced by the opening of drains and sewers on the sanitary state of portions of the city of Westminster. It had been stated that various drains had been opened for the purpose of deodorising, and that they emitted very noxious vapours. He had very little faith in these deodorising projects. An eminent engineer, who had turned his attention to these subjects, undertook in the presence of several Gentlemen of that House, to clarify the filthiest water. He perfectly succeeded. Admiral Owen, who was present, was so pleased with the result of the experiment, that he drank a glass of the water, which acted upon him as an instantaneous emetic.

Lord MORPETH said, that the hon. Gentleman was perfectly right in stating that a considerable degree of fever prevailed in the precincts of the Abbey; but as no sewer in the locality had been opened since February, he did not think it could be traced to that, but was owing to the state of the weather. He had been informed, since the hot weather had set in, that noisome smells had prevailed in other parts of the metropolis. In the precincts of Parliament he feared the drainage was deficient. He found that no cesspool had been opened since the month of February last, when a very considerable amount of frost prevailed, and when, in consequence, no harm could arise. Since the hot weather had set in, a very uniform state of ill health had been observed over the metropolis. As far as regards the precincts of Westminster, there was only one great main sewer for the carriage of offensive matter, all the remaining portion was carried away by nightmen. Dr. Vincent, the medical attendant of the Westminster School, had informed him that he had been unable to trace the presence of any fever in that neighbourhood. Recently 6,535 cesspools had been emptied in the metropolis, and he was told not only that the sanitary condition of the districts in which this had been done had been improved, but that the inhabitants had expresssed great gratitude.

NATIVE INDUSTRY.

LORD G. BENTINCK said, that in pursuance of the notice he had given, he proposed to put to the noble Lord the First Minister of the Crown a protectionist or free-trade question of the deepest importance and interest at the present moment. He needed not to remind the House that an announcement had gone forth of a desire, which, inasmuch as it was beyond the law, was also above the law, and would be found more powerfully binding than any law which that House could enact—he meant the desire expressed by Her Majesty that the ladies of England, such as intended to be present at drawing-rooms or Court assemblies, should be pleased, during the present depression of commerce and trade, to appear in no attire except such as was the produce of native industry. The question he had to put to the noble Lord at the head of the Government was, whether this desire had been expressed because Her Majesty, weeping and heartbreaking at the distress which she had seen around her—at the distress which overwhelmed the weavers of Spitalfields, the ribandmakers of Coventry, the lacemakers and hose-manufacturers of Nottingham, could no longer bear that hundreds of thousands of pounds' worth of goods, the manufacture of France and other foreign countries, should come weekly into the port of London, driving out of employment the home manufactures? He asked whether, it having come to Her Majesty's knowledge, that in the first three months of this year there had been imported into the port of London alone, silk goods of foreign manufacture exceeding in value 400,000*l.* sterling, and equal to the employment of 31,000 weavers; and that, also, into the same port of London, there had been imported lace to the value of 20,000*l.* more, and needlework likewise to the amount of 20,000*l.*, each sufficient to throw out of employment 4,000 needlework women and sempstresses; likewise 7,000 dozens of boot and shoe fronts, sufficient to employ 1,200 cordwainers in this country;—was it, he asked, that Her Majesty, who had always reigned in the hearts of her people, and never more so than now, when she was flying to their rescue from the measures of that party which the noble Lord had so well described as a party of philosophers in this country—was it, he asked, that Her Majesty having heard of these things, had of her own will, and from the emanation of her own heart, given to the ladies of this kingdom this order, which he presumed, by a usual interpretation clause, would be construed to include gentlemen as well as ladies, and which, then, the Speaker of that House — the first Gentleman of this country by virtue of his office as well as by nature and accomplishments—would think himself as much bound in gallantry as well as in loyalty and duty to obey? He asked whether this important announcement was the emanation of Her Majesty's own disposition, or whether it was what the noble Lord at the head of the Government had advised her to the effect that those free-trade measures which had been carried were already past endurance and must be now put aside, it being no longer becoming any good Englishwoman or Englishman to pursue the policy of purchasing in the cheapest market? He asked whether this announcement might not be taken as not only indicative, as they were all sure it was, of Her Majesty's will, who now stood forward as the first protectionist in this country, but as also indicative of a change of opinion on the part of Her Majesty's Ministry? and whether it were not an intimation that they were now going to retrace that course which had gone so far to bring the country into its present state of distress? He asked whether the announcement might not be taken as indicative of the disposition of the Ministry as well as of Her Majesty not to behold with cold indifference our own colonists and our own traders reduced to beggary and ruin?

LORD J. RUSSELL said, that as the noble Lord had certainly made a speech in putting his question, it was very difficult for him to evolve the question from the statements and arguments with which the noble Lord had surrounded it. But, as far as he understood the noble Lord's question, which appeared better shaped as printed in the Paper of the House than as put by the noble Lord, it was to the effect—whether, in the first place, Her Majesty had given commands to ladies attending at

Court to appear attired in dresses exclusively the products of native industry? It certainly was true that Her Majesty had issued commands that the ladies should appear at Court on Court occasions in dresses of British manufacture. He believed that there was nothing new in the issue of such an order. Similar orders were constantly given in the times of former Sovereigns; and it was, as the noble Lord supposed, from Her Majesty's kindness, and from a wish to be of service to persons in this country engaged in the manufactures likely to be required, that such an order was given. The noble Lord went on to ask whether that announcement was to be taken as a symptom that the advisers of the Crown had changed their opinion with respect to the admission of foreign manufactures; and whether it was to be looked on as the first practical proof of that change? With respect to that question he should say, that he considered the point immediately in question within the department of the Lord Chamberlain; and he should never consider that such advice given as to the dress in which ladies should appear at Court, could be taken as involving the opinion of the Government on the policy of free trade. With regard to the measures passed on that subject, he should say, in reference in the first instance to the quantity of silk manufactures introduced into this country, that there was formerly a very great quantity introduced, which was certainly not entered at the Custom-house, and never paid duty, but which, owing to the very high duties imposed, was smuggled into the country, 10 or 12 per cent being paid for the cost of so doing. In the next place, he thought that the introduction of French and other foreign manufactures contributed to improve the manufactures of this country, and very often great improvements in point of design, colour, and taste, were thereby effected in British manufactures. In the third place, he believed that, though there might be particular classes of persons who might find distress and inconvenience arise from the introduction of a great quantity of foreign goods, yet their introduction proved a stimulus to the production of other English goods for exportation, in return for those foreign manufactures. Considering, therefore, these three circumstances, in connexion with the change of duties made of late years, he should be the last person to advise Her Majesty to make an alteration of the policy pursued, and he very much doubted whether any such advice would be so acceptable to Her Majesty as the noble Lord seemed to intimate.

Mr. BRIGHT said, that when the noble Lord (Lord G. Bentinck) put the question, he doubted whether the name of the Queen ought to have been introduced, for the Lord Chamberlain was a political officer, and whatever was done by him was done under the responsibility of Her Majesty's advisers. He did not attach undue importance to the recommendation in question; but he thought it necessary that the Government and all persons in authority should be cautious about doing anything calculated to spread an erroneous opinion among the working classes, to the effect that their interest would be consulted by hostility towards other countries. They had recently seen, in France, the ill effects of such a feeling in the expulsion of the English workmen. Nothing could be more erroneous and unfortunate than that—nothing less calculated to benefit even the working classes of France themselves—and nothing more calculated to create an ill-feeling between the bulk of the population in France and the bulk of the population in this country. He saw no difference between the working classes of France driving out the English workmen, and the Queen of England and her Ministers advising that the industry of France, in the shape of French silks, should be excluded from this country. [Lord John Russell: There is no order of prohibition.] The noble Lord said that there was no order to that effect. He granted it; but the object of the announcement in question was, that French silks should not be consumed in certain cases, but that English silks should be substituted. Let it be borne in mind that, owing to the late convulsion in France, French silks were very much depressed, and very large quantities had been brought to this country in consequence of their lowness of price. In London there were commercial houses which now had large stocks of these goods, and the announcement which had been referred to might entail loss on men of large capital and of small capital, who had stocks more or less great of French goods in their shops. It was not justice to pretend to do a kindness to the weavers of Spitalfields by a course which must involve others in loss and injury. He was for the fullest freedom to enable all these persons to better themselves by any kind of traffic they chose. On the other hand, he had no objection to a number of noble, titled, but not very wise women, forming an association among themselves against French silks; but he protested against the Government doing anything calculated to create an ill-will between this country and other nations, and to foster feelings among the working classes, which must end in disappointment. If from their own honest industry in the public market, the latter could not find custom and employment, they were not likely to obtain it from the patronage of Courts or Ministers.

Mr. BANKES expressed his dissent from the opinion of the hon. Member for Manchester (Mr. Bright), when he stated that Her Majesty's order, which had been referred to, was to be, and would be, construed as an act of retaliation on France for the conduct pursued towards the English workpeople. He was perfectly certain that no such intention existed in the Royal mind, or in the mind of any one who might be responsible for that order, and that neither in this country nor in France would such an impression be created by it. He regretted that it was not issued earlier, for, if it had, he thought it would have had the beneficial effect anticipated by the Royal mind; but he feared that the order had been issued too late for the purpose. Still, if any Member should move an address of thanks to Her Majesty for issuing the order, he should be most happy to second the motion.

Mr. HUME thought such a proceeding would be most mischievous; for, if anything was to be deprecated more than another, it was the taking any course calculated to raise ill-will between this country and foreign nations.

Mr. NEWDEGATE said, that as he represented a constituency which would very materially benefit by Her Majesty's benevolence, he must, in justice to his own feelings, and on their behalf, express his deep sense of gratitude to Her Majesty for the step she had been pleased to take. He could assure the House that the greatest distress had prevailed in the district he represented; and if hon. Gentlemen could have seen, as he had, numbers of men, women, and children sinking under poverty and famine, they would not wonder that he should should rise to express his sense of the gratitude entertained towards Her Majesty by those poor people, who had for months been struggling for a bare subsistence. He certainly thought that of all those acts which graced the reign of Her Majesty, none deserved higher commendation than the compassion which Her Majesty had thus innocently, kindly, and opportunely exhibited for the sufferings of Her distressed people.

Colonel THOMPSON considered that there were other parties interested in this matter besides those who had been referred to. His constituents at Bradford were great makers of waistcoat and pantaloon pieces for foreign consumption; and they said, and seriously believed, that those waistcoats and pantaloons were virtually trucked against the ladies' petticoats from France. If that were the case, he would ask whether there was any charity, any humanity, any justice, any policy, any common sense, in representing hostility to one portion of the manufacturing classes of the country to come from a quarter of which he was sure no one in that House wished to speak otherwise than with feelings of the utmost affection and reverence. Surely this must have been the doing of some Court Polonius; some man of the black rod, or of the white stick, of rare ingenuity. He could not think it had been the doing of any lady. He had no great confidence in Lords, but he did believe the ladies would have been wiser than to take such a step. Why, there was not a man in England who wore a pair of French gloves who did not know that the produce of English industry had, in some way or other, gone to purchase them. He was told that there was poverty among the masses in Bradford, which it was fearful to behold; and he had seen enough to induce him fully to believe that statement. But was there no poverty in other manufacturing towns? Was there no poverty and suffering in Birmingham? He had the other day asked the two hon. Members for that town whether they had ever heard of anything being manufactured there for foreign consumption, and they said, "Often." They said they believed that many of the manufactures of town were of the very sort which it was intended—in pure innocence of heart, he was sure—to put down by means of an attempt to procure the consumption of English manufactures of another description. He must say he hoped they would in future hear less of the assumption that the way to improve the condition of the people was to put down one half of the industrious classes of the country on the pretence of raising the condition of the other half.

Mr. CHRISTOPHER observed, that it had not been his intention to take part in the discussion which had just occupied the attention of the House, but for the remarks which had fallen from the hon. and gallant Member for Bradford (Colonel Thompson). He was afraid the hon. Gentleman had not paid due attention to passing events, or he would have arrived at a very different conclusion from that to which he had come—namely, that free trade in woollens was likely to benefit those whom he represented. He wished to mention a fact of which the hon. and gallant Member might not be aware. Within the last three months woollens to the value of 70,447*l.* had been imported, free of duty, into the port of London alone, and woollen manufactures, upon which a duty of ten per cent was imposed, had been imported during the same period to the value of 15,758*l.* Had it not been, therefore, for the measure which had a short time since received the sanction of Parliament, employment might have been afforded to upwards of 9,000 of the hon. and gallant Member's constituents. He (Mr. Christopher) must express his gratification at the command which had just been issued by the Sovereign, and he hoped it would be duly responded to by the country. Whatever effect that command might have, he was sure there was no intention to create any bad feeling between this country and any other. He hoped the example which had been set would be followed not only by persons in high station, but generally throughout the country, and that in this period of commercial distress every effort would be made in the first instance to afford employment to our starving operatives.

Lord J. RUSSELL might be permitted to explain, after what had been said on this subject, that he did not regard the order which had been referred to as of such very great or imperial importance as had been attributed to it by the noble Lord (Lord G. Bentinck), or the hon. and gallant Member for Bradford. It certainly was not adopted with a view to injure any other class of men, and still less did this measure bear any similarity to the driving of English workmen from France. It appeared to him more like a case which might very probably happen, where a lady in the country, who usually had her dresses made in London or Paris, finding that the milliners or tradesmen in a neighbouring village were distressed, directed them to furnish the goods, not with any view of injuring either Paris or London, but as an act of kindness to the persons in the immediate neighbourhood of her residence. That, he believed, was the view of the case which had been taken by the Lord Chamberlain.

Sir W. MOLESWORTH considered, that in spite of the explanation of the noble Lord, this was a silly and foolish order; and he was informed, on the best authority, that there was not the slightest chance of its being obeyed.

The Marquess of GRANBY wished to express his gratitude to Her Majesty for endeavouring, by the gracious and benevolent order she had just issued, to mitigate the evils which recent legislation had inflicted upon the country. He understood that in the town of Coventry, within seven weeks, 40,000 loaves of bread had been distributed to the starving people. He believed that the order issued by Her Majesty would elicit an almost universal feeling of gratitude throughout the country.

Subject at an end.

THE NAVAL DOCKYARDS.

Mr. MACGREGOR said, that in rising to bring forward the Motion of which he had given notice, he begged to assure the House, that he was influenced by no other motive than a sense of public duty. He never would consent to any measure which would enfeeble our maritime strength; but he must express his opinion that the expenditure upon the naval dockyards might be very considerably reduced without diminishing the naval power of this country. He considered that there had been a great want of economy in the expenditure upon the building and altering many ships of war; and that if the system which had been pursued in the naval dockyards had been adopted in the yard of any private shipbuilder, it would have been attended with absolute ruin. He admitted that great improvements had been made in some dockyards, especially at Woolwich, Portsmouth, and Sheerness; but the greater number of ships built under the superintendence of the late Surveyor of the Navy had required frequent alterations, which had been attended with very considerable and most unjustifiable expense. The ships constructed according to the plans of the late Surveyor had cost, or would cost, above 1,500,000*l.*; and although he would not deny that many of those ships were magnificent in appearance, and would prove, if engaged, formidable in war, yet the expense of alterations, if even these were complete, was unnecessary if blunders had not been committed in their original plan and construction. The hon. Member then read some statements with reference to the *Queen*, the *Albion*, the *Superb*, the *Vanguard*, and other ships, with regard to which most erroneous calculations had been made, and which had cost very considerable sums for alterations; the alterations and repairs of the *Union* alone, a 98-gun ship, had entailed on the country an expense of 45,000*l*. Some time ago it was considered that great advantage might be derived from altering some of the old 74-gun ships to screw ships; and he believed, as far as regarded the *Blenheim*, and one or two other ships, most useless expense was incurred upon that head. With respect to Devonport, a plan was submitted to the Admiralty of either forming a new dock or a new basin: there was now a plan for an open basin; but it was supposed to be liable to great objections, and it was said that the expense would be enormous, at least 300,000*l*. if persevered in, and that it would even with that outlay be utterly inefficient. Now, if an inquiry were made into the whole expenditure of the dockyards from 1832 to the present time, he (Mr. Macgregor) believed it would be found that one-third of the money might have been saved to the country. He (Mr. Macgregor) regretted that the subject should have fallen into the hands of one so little practised in addressing the House; but with the prospect of a deficiency of 2,000,000*l*. or 3,000,000*l*., including the deficiency in January last, of revenue in the year which would end the 5th of January, 1849, unless it should be provided for by the forthcoming budget, he could not, with his apprehensions for the public credit, and with his knowledge of our oppressive taxation, refrain from bringing the matter under consideration. He could enter into more startling particulars with regard to wasteful expense in our dockyards; but with the confidence he had in the first Lord of the Admiralty, and the economy which necessity would impose on the Government, he would hope that something effectual in retrenching wasteful outlay would be done, without trenching upon the efficiency of the Navy. It was disagreeable to his (Mr. Macgregor's) feelings to bring forward a question that might be considered invidious with respect to our justly most venerated and admired establishments. No doubt this was a tender and delicate subject. No sentiment was more cherished than that

> "Britannia rules the waves;"

and nothing would have induced him to move in the matter but the belief that we could greatly diminish our naval expenditure, and at the same time render our force sufficient to cope with all the naval forces in the world. With regard to Deptford dockyard, the increasing commerce of the Thames would at no very distant period require all the room that could be had betwixt Woolwich and London Bridge—nay, more, we might have to enlarge our space, so as to have room enough, at Woolwich, Sheerness, Portsmouth, Devonport, and Pembroke, for all naval purposes. The old system must be given up with respect to training and bringing up those who were to be intrusted with the management of the dockyards. He was very far from wanting confidence in the noble Lord at the head of the Admiralty, and in the hon. Member for Sheffield, and those who acted with them; but, from want of time, or from some cause or other, they had not, he feared, as yet fully gone into the subject. Cunard's and other steamships of private individuals did not require such alterations as those in the Royal Navy. The contractors were bound to render them in every respect efficient. It was notorious that our men-of-war steamships had turned out to a great degree failures; and the vessel which might have been expected to be most perfect of all—Her Majesty's Yacht—had been one of the most unmanageable steamers. Even the *Sidon* was complained of as a crank ship. The *Terrible* and a few others were efficient and formidable; and he must do Mr. Laing, the master shipwright, the full justice to say, that the *Prince Albert*, 120 guns, a frigate of 50 guns, and a steamship, all raised on the stocks at Woolwich, would prove, he believed, superior to any ships of the same size in any navy in the world. He was not asking for a reduction of our naval power, but to have it rendered efficient at less expense. The most formidable power we could wield against any other country must be one maintained with economy, not with extravagance; and public opinion was now demanding economy in every branch of the expenditure. The people of this country were enduring the burden of taxation with less ability to bear it than for many years past. The hon. Member then moved for a Select Committee to inquire into the management and expenditure of the naval dockyards of this country.

Mr. Ward felt it his duty to oppose the Motion. He had no want of sympathy with the hon. Member as to the necessity of the most rigid economy consistent with the efficiency of the service; but he would put it to the House whether a weaker case was ever submitted as the ground for instituting an inquiry into a great branch of the public service. The hon. Member seemed to suppose that the subject was not under consideration; strangely forgetting that a Committee had been sitting for some weeks, whom no department of the Naval Expenditure had escaped, from whom no one fact had been withheld, and which comprised men of great experience and ability. When the hon. Member came to read the evidence taken before that Committee, he would see that there could be no use whatever in instituting a second inquiry upon a subject which had already been investigated with the utmost care. And what were the grounds stated by the hon. Member? He (Mr. Ward) would not pretend to follow the hon. Member into his bill of indictment against the late Surveyor of the Navy; the House had had the story of Sir William Symonds' successes and failures over and over again. Naval men themselves had differed upon that subject, and held very extreme and opposite opinions. The truth probably lay somewhere in the *juste milieu;* and he had himself come to the conclusion that while Sir William Symonds had certainly introduced great improvements, some things were done with a disregard of expense which no one would wish to see repeated. Every possible precaution that could be suggested had been taken by the late and present Boards of Admiralty to prevent any of that rash and precipitate expenditure, and to avoid any necessity for those experimental alterations of ships against which the hon. Member protested. Every proposal now went through a long and somewhat tedious process of examination before any order was made upon it. The hon. Member next alluded to the subject of the basin of Devonport. There could be no stronger instance of the care and precaution taken by the Government. A plan had been adopted and persevered in for several years; but a doubt having been suggested with regard to its success, the Government had thought it right to institute a most searching inquiry in consequence, and they had as yet come to no decision. The hon. Member said there was a wasteful expenditure going on in the dockyards, and that a diminution was possible. Why, it was not only possible, but promised—promised in the Estimates of next year, and to the extent of full 600,000*l*. As soon as the Admiralty could see the way clear, it was their anxious desire to extend still further those reductions, which he himself did not wish made with any detriment to the service. The hon. Member suggested that Deptford dockyard might be abolished; but where was the substitute to be found? Not at Woolwich, nor yet at Sheerness, as the hon. Member had suggested, for not one inch of building ground could be found there, the whole of the existing buildings being supported by piles sunk at an enormous expense. As to the system of promotion in the dockyards, the Government had laid down a rule, by which they renounced their patronage, and made preferment the reward of merit tested by the severest examination; so as to give fair play to all, and not to shut out the younger men, whose genius might point them out as likely to insure a succession of officers worthy of the high and responsible duties which they had to discharge. The hon. Member suggested that the Government might learn something from the success which attended contracts connected with the merchant service; but there was a great difference between a merchant vessel and a ship of war. In the former the builder had ample scope, and could place his machinery where he pleased; but in a war steamer the great object was to compress the machinery, and even keep it below water. Besides, it was not true that no war steamer had been found fit for the voyages which merchant steamers had performed. The steam-vessels *Terrible* and *Fury* had proved eminently successful; the latter had steamed to Hongkong and back, encountering the monsoon during her voyage, without the slightest repair being required. At present the shipbuilding department was going on well. The notion that the ships for the Navy could be built by contract was preposterous. What private merchant could afford to keep a stock of seasoned timber always on hand for the chance of obtaining a contract to build a ship for the Government? There were no fewer than 60,000 loads of seasoned timber stored in the dockyards; and if that stock should not be kept up, vessels would be badly built, as they were formerly, because their durability depended upon the goodness of the timber. The first outlay for ships built by contract might be somewhat less than for those built in the dockyards; but the expenditure for repairs on the former was usually enormous. An example would suffice to make the House acquainted with the difference in original cost and subsequent repairs between vessels built in the dockyards and those built in private yards :—

The *Petrel* (built in dockyard) cost ...	£8,219
Repairs in 8 years	1,314
Annual cost	164
The *Ranger* (built by contract) cost...	7,020
Repairs in 8 years	8,225
Annual cost	914
The *Penguin* (dockyard) cost ...	8,386
Repairs in 8 years	1,540
Annual cost	192
The *Alert* (contract) cost	7,478
Repairs in 7 years	5,163
Annual cost	737

The hon. Gentleman concluded by expressing a hope that he had succeeded in convincing the House that it was unnecessary to accede to the Motion of the hon. Memfor Glasgow.

Viscount INGESTRE would take that opportunity of asking the Government for information on a subject of great importance. The office of Surveyor of the Navy had recently been filled up by a gallant and distinguished officer; and it was understood that the duties of the office were to be reconstructed and altered. It would be, therefore, very desirable if the Secretary of the Admiralty would state to the House what those duties were, and in what particulars these alterations had been introduced. Hitherto the duties of that office had been ill-defined and worse executed. The Board of Reference had been some check on the extravagant expenditure on changes and alterations of plans and ships; and he stated at the time when the appointment of the board took place, that he thought it a step in the right direction. He still entertained that opinion, and was sure that every man acquainted with the service would admit the Committee of Reference had performed their duties well and ably, and had done good service to the country. When he heard, therefore, that the late Board of Admiralty appointed a similar Committee, he was glad of it, and he thought their example might be followed with advantage by their successors. He had heard it recently stated that the Committee was broken up, or about to be dissolved, and he was, therefore, desirous of knowing, should this statement prove correct, what substitute the Admiralty proposed to establish. He quite approved of the appointment of so distinguished an officer as Sir Baldwin Walker to the post of Surveyor of the Navy; but he hoped to hear the gallant gentleman would have sufficient advice at his command, that he might not fall into the errors of his predecessors. He had often pressed on the Admiralty the necessity of appointing a board of scientific men to assist them. Sooner or later they would have to do so, or fail in the performance of their duties, for with the present march of science it was absolutely necessary to have men of high attainments to whom the Board should refer new plans and inventions for their opinion. Such an institution would, he was convinced, be attended with the greatest advantage to the Board, to the service, and to the country. He quite agreed with what had fallen from the hon. Secretary (Mr. Ward) with respect to vessels built by contract, and he was only surprised to hear that recently some vessels had been built in merchants' dockyards. He did not see why we should have recourse to private establishments at all, more especially in times of peace, when we possessed such dockyards as those of Portsmouth, Chatham, Devonport, and Milford. Before he sat down he could not but express his opinion that the country had been deeply indebted to the members of the School of Naval Architecture. He had always advocated their claims, and he heard of the dissolution of the school with regret, inasmuch as he believed the institution to have been most useful and meritorious. In conclusion he hoped the hon. Member would not press his Motion to a division, but would give way to the sense of the House.

Admiral DUNDAS was understood to say that the Board of Admiralty would lay before the House papers containing the information required by the noble Lord who had last addressed them. The only ships recently built in private yards were the packets for the Holyhead mail service.

Captain HARRIS quite agreed with the noble Lord, and the Secretary to the Admiralty, that it was a mistake to suppose the country gained any advantage by contract-built vessels or contract work. A reference to the extravagant outlay entailed on the country during the late war by the contract system, would convince hon. Members that doing away with any of our dockyard establishments (as had been suggested respecting Deptford) would be rash and ill-advised retrenchment. No one could say how soon the country might be called on for a development of her naval power; and were she thrown upon the merchant yards for the construction of ships, a ruinous expenditure would result from these apparently economical reforms. He did not agree with those who contended that the late Surveyor of the Navy had been unsuccessful; for he entertained a very different opinion. He would not go into details upon this part of the subject, which had been fully discussed on the Motion of the hon. Member for Montrose last Session, and which had ended in a triumphant issue for Sir W. Symonds; but he must remark that he considered that gallant officer fully entitled to a retiring pension equal in amount to that of his predecessors. Sir Robert Seppings had been a zealous servant to the Crown; but the genius of Symonds had furnished the country with some of the finest ships that ever floated in any sea. The present Motion was altogether uncalled for, and no reason had been shown why it should be granted, and he should therefore give it his opposition.

Mr. HUME concurred with much that had fallen from the hon. Member for Glasgow with respect to the lavish expenditure that had taken place in altering and changing vessels without rhyme or reason, and often without giving them a trial; but he believed the present Government were taking steps to do away with the system and prevent its recurrence. He was satisfied, however, that very soon they would have to institute a specific inquiry into the interior arrangements of the dockyard establishments. A Committee had been recently appointed on the subject of naval expenditure, on which were many Gentlemen perfectly aware of the nature of the questions which the hon. Member had laid before the House. He hoped, therefore, that he would withdraw his Motion, and leave to the Committee the task of inquiring into those matters. If they left anything undone, the hon. Member could bring the question again before the House; but meantime let him give them fair play, and not press his Motion to a division. He could assure the noble Lord near him, and hon. and gallant Gentlemen opposite, that there was no one branch of the public service which he was so anxious to see really efficient as the Navy, and that there was not in the House a man more willing than himself to vote every sum or agree to every expenditure necessary to sustain it on a liberal and effective scale.

Captain PECHELL said, if he did not believe the Board of Admiralty to be sincere in their desire to effect those improvements which the country called for, and which many hon. Members had pledged themselves to support, he would certainly take a very different course from that which he now thought necessary, and would support the Motion of the hon. Gentleman; but he believed that the inquiry now going on would lead to very beneficial reforms. With regard to the duties which were to be performed by the Surveyor of the Navy, an extreme anxiety existed on the part of the naval profession as to what they really were. He hoped that a copy of the warrant issued to Sir Baldwin Walker would be published, in order that it might be known what were the services to be expected from that able and excellent officer.

Motion withdrawn.

OUR RELATIONS WITH PORTUGAL.

Mr. URQUHART rose to move, in pursuance of notice—

> "That an address be presented to Her Majesty representing that the intervention undertaken in Her name in Portugal was unlawful, and praying Her Majesty to forbid the continuation of this or the repetition of similar measures by Her servants."

The hon. Gentleman said, that considering the general disinclination of the House—a disinclination which he was far from deeming just, but to which, nevertheless, he bowed, and under which he comported himself as best he might—to listen to the discussion of any of those subjects which were called by the name of foreign affairs, and observing the want of attendance of hon. Members, he should confine himself to the very smallest space in which he could state the substantive object of his Motion. The proposition which he had to bring forward was one which, in his opinion, addressed itself to the best sympathies of the House. Such was the state of affairs in Europe, that the greatest delicacy was required in handling matters which might become the elements of discord. When he put his notice on the books of the House, he did so without any concert with any party—he did so simply to enforce the proposition, that the proceedings in which we were engaged with respect to Portugal were illegal. Perceiving that but a few moments would be afforded him for addressing the House, he would in the briefest space refer to the doctrines held in this country in former times in respect to Portugal, and of our connexion with that country. Two debates had occurred in that House on that subject, one of which was remarkable for a speech made by the noble Lord now at the head of the Foreign Department, in which he took the opportunity of recording his strongest censure of such proceedings as those in which this country had been recently involved. The ability which the noble Lord had on that occasion displayed was understood to be the determining cause of his filling the high office which he had since almost uninterruptedly continued to hold. The other debate occurred at the end of last Session, when that same high public functionary had to justify the very acts which he had before condemned; and when another distinguished statesman was found justifying the noble Lord on the ground—not that the principle was correct, but that the Government of this country having been once engaged in its application—it was impossible for it to withdraw from the course in which it was involved. The first debate took place on the 1st of June, 1829, when the right hon. Baronet the Member for Tamworth defended the policy of the then Government; and in the course of that defence he thus stated the case with respect to Portugal, in reply to the speech of Sir J. Mackintosh:—

> "The right hon. Gentleman (observed Sir R. Peel) had stated that by a series of treaties, England was bound to protect the integrity and independence of the Portuguese territories. That statement was correct; but he denied that, either in the letter or in the spirit of those treaties, or in any engagement or obligation entered into by Great Britain, there was conveyed a guarantee of the succession of any particular individual, or a guarantee of the existence of any political institution in Portugal."

He would hurry on, seeing he had but a very little more time in which to speak, and come at once to the fact of our intervention last year in the affairs of Portugal. It was enough for him to say, that in the debate to which he had referred, among all the speakers—and there were many of great power, eminent as politicians and as constitutional lawyers—there was but one consenting voice raised in concurrence with the energetically expressed sentiments of the noble Lord opposite, that "the principle of non-intervention was just, and ought to be held sacred, and the noble Lord trusted that England would never be found giving her sanction to its infraction."

Mr. ELLIOT observed, that the subject was of too great importance to be discussed in so thin a House, and moved that the House be counted.

Thirty-seven Members only being present, the House adjourned at half-past Seven o'clock.

HOUSE OF COMMONS,

Wednesday, May 10, 1848.

Minutes.] Public Bills.—1° Scientific Societies.
2° Waste Lands (Ireland).
Reported.—Joint Stock Companies; Collectors of Cess (Ireland); Imprisonment for Debt (Ireland).

Petitions Presented. By Sir R. H. Inglis, from the Minister and Inhabitants of Swerford, Oxfordshire, against the Jewish Disabilities Bill.—By Mr. Matthew Bell, from Howdon (Northumberland), and by other Hon. Members, from several Places, for Better Observance of the Lord's Day.—By Mr. Duncan, from Dundee, for Alteration of the Places of Worship Sites (Scotland) Bill.—By Mr. Newdegate, from Members of the Church of England Lay Association of Birmingham, against the Roman Catholic Relief, Roman Catholic Charitable Trusts, and Diplomatic Relations, Court of Rome, Bill.—By Lord G. Hallyburton, from Carmylie (Forfar), and by other Hon. Members, from several Places, for Alteration of the Law respecting Sites for Churches (Scotland) Bill.—By Mr. Blewitt, from Pontypool (Monmouth), for Repeal of the Duty on Attorneys' Certificates.

HORSHAM BOROUGH BILL.

On the Order of the Day for the Second Reading of the Horsham Borough Bill,

Sir G. GREY moved that it be read a second time on that day week.

Mr. STAFFORD objected to the postponement of the Bill. It was unfair to keep the electors of Horsham in a state of suspense with this Bill hanging over their heads; it ought either to be proceeded with immediately or abandoned.

Sir GEORGE GREY thought it advisable that a preliminary inquiry should take place upon oath. It would be better to include Horsham in the General Bill, which it was intended should be introduced for regulating cases of this nature.

Mr. BANKES said, that there was a considerable difference between the case of the Horsham Bill and the General Bill, which was this: with regard to the Horsham Bill, no one objected to it; but with regard to the General Bill, there was a great deal of objection to it, and it never would pass without a very considerable discussion. He looked upon it as a most unconstitutional measure, to which he trusted the House would never assent. Why, then, should the Horsham writ be suspended to await the discussion on the General Bill? The Horsham Bill was the result of the Committee which sat upon the inquiry. It was stated that it was a case which called for immediate inquiry. The noble Lord brought in the Bill, and he had no right to abandon it.

Mr. NEWDEGATE said, that the question of the Horsham election was one which ought to be decided by itself. It was a case which had been proved and admitted to be worthy of a separate cognisance. He could understand the motives of the noble Lord in thus reserving the case of Horsham, to give strength to the grounds for a general Bill. He believed it was intended to lay the foundation of machinery which would have a more extended and complex operation than it appeared to have; and if the House of Commons meant to do their duty, they should take the advice of the Member for the West Riding (Mr. Cobden), who said that if they meant to do their business well, they should do one thing at a time. Here was an obvious case of corruption, which ought to be dealt with at once. There was an admitted necessity for further inquiry; the case being already proved before the proper tribunal, and delay was objectionable and improper.

Sir G. GREY said, that it would be hardly fair to deal thus peremptorily with Horsham. It was distinctly stated that it was a case only for suspicion. The Committee, not having gone into the case, only reported that it was one of suspicion, which warranted further inquiry.

Mr. HENLEY conceived the course proposed to be taken would be found extremely inconvenient. Government, in their official capacity, had brought in a Bill on this subject, which they afterwards postponed, and postponed *sine die* until the general measure of the hon. Baronet was brought forward—a measure analogous to putting charges of murder, rape, and treason into one indictment. Every borough ought to be dealt with upon its own merits by a separate Bill.

Mr. HUDSON called upon the House either to proceed with the Bill, or consent to the issuing of the writ. At all events, when the general Bill came on, it should have his most decided opposition; for he had no idea of commissioners being sent down to boroughs and towns to create heartburnings and dissensions. If he recollected aright, a pledge was given by the Prime Minister that this Bill should be proceeded with without delay, and he called upon the Government to fulfil that pledge. He saw the symptoms of a job in the Government Bill. It was for the purpose of assisting the lawyers, and if it passed into a law there would be lots of pettifoggers receiving the five guineas a day under it; but he trusted if the Bill did pass, that the first commissioner who was sent to a town would be kicked out by the people without ceremony. The Government appeared exceedingly anxious to find fault with a few poor men for getting a breakfast for half-a-crown; but how many of the supporters of the Government were not receiving favours just as palpable? The borough of Horsham ought not to be left so long unrepresented, and it would have a fair ground of complaint if the Bill was not proceeded with at once.

Colonel SIBTHORP denounced the conduct of the Government on this occasion as another proof of Whig corruption. When there was so much talk of bribery out of doors, he would say that if bribery were to be punished, the Treasury bench ought to be scoured, for it was well known that all that the men had to do who got seats there was to play into the hands of the Government. It was notorious that the influence of the Treasury had been exercised very extensively in many boroughs. He firmly believed that a portion of the secret service money which was voted every year was expended in the return of Members who adorned the Treasury benches. He believed that the public money was so expended; and until he heard it distinctly and emphatically denied by the Government, he would remain of the same opinion. He had no objection to a general inquiry, and commissioners by the dozen might be sent to Lincoln, as he courted the fullest investigation into his affairs; and he believed that the Bill about to be introduced for the purpose of causing local inquiries to be instituted respecting local boroughs was of a most dangerous description, and therefore he would feel it to be his duty to give it every opposition in his power.

Mr. SPOONER hoped the Government would give some explanation of their conduct with regard to the Bill for disfranchising the freemen of Great Yarmouth. He objected to the postponement both of Great Yarmouth and that of Horsham; and he had some apprehensions that there was something with regard to the borough of Horsham that the Government found it convenient to keep back. If it were really the intention of the Government to allow the Bill to be proceeded with, there should be no longer delay, but they should permit the matter to be finished at once. He hoped the right hon. Baronet would state to the House the reason why he wished to pursue in this case a course quite different from that which he had followed in the Great Yarmouth Bill, when he called on the House to proceed at once with it.

Sir G. GREY would confine himself strictly to replying to the question of the hon. Gentleman who had last spoken, as to the supposed difference between the course taken by Government respecting the Bill of Great Yarmouth and that for Horsham. The whole mystery existed in the imagination of the hon. Gentleman. The cases were not at all parallel. In the instance of the Great Yarmouth election, the Committee reported that, owing to bribery and corruption, the election was void, and recommended that the freemen of the borough should be disfranchised. A Bill for that purpose was accordingly brought in, under the sanction of Government; but so far were Government from wishing to press the immediate consideration of it upon the House, that he, on last Wednesday, suggested the very same course which he now called on them to adopt, namely, that further proceedings should be stayed till the House determined whether or not they would give a second reading to the Borough Elections Bill, introduced by an hon. Baronet near him. The hon. Member who had charge of the Great Yarmouth Bill refused to listen to that suggestion, but the division was against him; and as he was influenced by the same feelings respecting the Horsham Bill, he would again take the sense of the House upon the question for its postponement.

The House divided on the question that the Bill be read a second time on Wednesday next:—Ayes 56; Noes 37: Majority 19.

List of the Ayes.

Aglionby, H. A.
Armstrong, Sir A.
Arundel and Surrey, Earl of
Berkeley, hon. H. F.
Bernal, R.
Boyle, hon. Col.
Brown, W.
Carter, J. B.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Crawford, W. S.
Cubitt, W.
Davie, Sir H. R. F.
Divett, E.
Ebrington, Visct.
Evans, J.
Evans, W.
Ewart, W.
Fordyce, A. D.
French, F.
Gibson, rt. hon. T. M.
Granger, T. C.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Hall, Sir B.
Hanmer, Sir J.
Hawes, B.
Hodges, T. L.
Hume, J.
Kershaw, J.
Langston, J. H.
Lushington, C.
Maitland, T.
Melgund, Visct.
Mowatt, F.
Mulgrave, Earl of
Ogle, S. C. H.
Pechell, Capt.
Pendarves, E. W. W.
Pilkington, J.
Romilly, J.
Scrope, G. P.
Shafto, R. D.
Smith, J. B.
Stuart, Lord D.
Sullivan, M.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Towneley, C.
Townshend, Capt.
Tynte, Col.
Walmsley, Sir J.
Wawn, J. T.
Williams, J.
Wilson, M.
Wyvill, M.

TELLERS.

Hill, Lord M.
Hayter, W. G.

List of the Noes.

Adderley, C. B.
Baines, M. T.
Bankes, G.
Berkeley, hon. G. F.
Bremridge, R.
Buck, L. W.
Buller, Sir J. Y.
Chaplin, W. J.
Cochrane, A.D.R.W.B.
Colvile, C. R.
Compton, H. C.
Conolly, Col.
Fuller, A. E.
Galway, Visct.
Goring, C.
Gwyn, H.
Harris, hon. Capt.
Henley, J. W.
Hindley, C.
Hood, Sir A.
Hope, Sir J.
Ingestre, Visct.
Lacy, H. C.
Mackenzie, W. F.
Newdegate, C. N.
O'Brien, Sir L.
O'Connor, F.
Pigott, F.
Prime, R.
Repton, G. W. J.
Sibthorp, Col.
Stafford, A.
Stuart, J.
Urquhart, D.
Wodehouse, E.
Worcester, Marq. of
Yorke, H. G. R.

TELLERS.

Hudson, G.
Spooner, R.

Bill postponed.

JOINT-STOCK COMPANIES BILL.

House in Committee on the Joint-Stock Companies Bill.

On Clause 2,

Mr. HUDSON (in the absence of Mr. Headlam) rose to move the following Amendments, of which that hon. and learned Gentleman had given notice. In Clause 2, to add the following words:—

> "The word 'commissioner' shall mean any country commissioner of the Court of Bankruptcy having jurisdiction in the town where the principal office of the company is situate."

In all subsequent parts of the Bill, wheresoever the word "master" occurs, to substitute the words "master or commissioners."

Mr. MILNER GIBSON had understood that the hon. and learned Member (Mr. Headlam) did not intend to press his Motion, and he hoped that it should be allowed to drop.

Mr. HUDSON said, he thought the agreement between the hon. Member for Newcastle and the Government was of a totally different character. The object of the Government in bringing in this Bill should be to enable the affairs of partnership concerns to be wound up as speedily as possible; and the best way of doing that was to enable the local officers to manage local affairs. He objected altogether to their present system of centralisation, and protested most strongly against the course they were pursuing in endeavouring to get rid of so useful an Amendment.

The SOLICITOR GENERAL defended the clause as it stood. It would be better to leave it to the discretion of the Judge to say whether the local powers should take cognisance of certain cases or not. He was not prepared to accede to the proposition placed on the Paper by his hon. and learned Friend, and it remained with the hon. Gentleman opposite to say whether he would press it to a division.

Mr. JOHN STUART said, he had certainly understood the Solicitor General had stated to the hon. and learned Member for Newcastle that he would consider whether his Amendment should not be adopted. He was surprised he (the Solicitor General) had not made up his mind to adopt it by this time. The Government would, it appeared, oppose the Amendment. He should like to know on what grounds. Had the Solicitor General consulted any local practitioner on the subject, or had he inquired into the views of the bankruptcy commissioners of the remote towns, such as Newcastle and Sunderland, with respect to the practical working of the Bill? He was sure his hon. and learned Friend had not done so, or he would have found these gentlemen approved of the principle of the Amendment. Of course, the great body of London practitioners would be in favour of doing all the local law business in London; and he was far from saying they were not right in that view; but, at the same time, he was certain every country practitioner would give an opinion exactly opposite. The only question between him and those who opposed the Amendment was, whether or not cases might occur wherein convenience might be consulted and expense saved by reference to the local tribunals, such as the Commissioner of Bankruptcy. In his opinion, the Lord Chancellor should have a discretionary power to refer any case to the local commissioner; but the Bill, as it stood, would deprive him of that power. He would like to ask if the Society for the Amendment of the Law had come to the decision that the Commissioner of Bankruptcy should not be trusted in any case? He trusted every one interested in the practical administration of the law would support the Amendment.

Mr. HAYTER thought it rather unfair to press on this discussion in the absence of the hon. and learned Member for Newcastle. It certainly would have been more convenient to have waited till he was present, in compliance with the agreement which had been entered into between him and Government; but if the Government were to be driven to a division, he should oppose the Amendment. The Bill had nothing whatever to do with bankruptcy: the object of it was to enable joint-stock companies to wind up their affairs, and came quite after the question raised in the Amendment. The Bill was not framed to enable creditors to come in except incidentally: after they were paid, the question of the distribution of property arose, and the necessity for the Bill sprang solely from the latter question. At present, the property of partners can only be distributed under the Court of Chancery by means of a bill filed, and of lengthy and expensive proceedings; and the result was, that there did not exist on the records of that Court a case in which a large partnership had been wound up and the surplus property distributed. He did not mean to attack the local functionaries: they were a highly respectable body, but, as he believed, utterly incapable of discharging the arduous duties which would devolve on them if this Amendment should be carried.

The SOLICITOR GENERAL said, he would, before bringing up the report, consider whether it would be expedient to give a discretionary power to the Lord Chancellor. He believed that the cheapest mode of reference was to the Master in Chancery.

Mr. JOHN STUART said, if the right hon. Gentleman would pledge himself to bring in a clause to that effect, it was all he wanted.

Mr. T. M. GIBSON assented.

Amendment withdrawn; Clause ordered to stand part of the Bill.

The remaining clauses agreed to.

The House resumed.

Bill to be reported.

House adjourned at Four o'clock.

HOUSE OF LORDS,

Thursday, May 11, 1848.

MINUTES.] PUBLIC BILLS.—3^a and passed:—Incumbered Estates (Ireland).

PETITIONS PRESENTED. By Lord Portman, from the Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, and the Nottingham Order of Odd Fellows, that the Provisions of the Benefit Societies Act may be Extended to them.—By Earl Stanhope, from the Parish of Long Crendon, for Repeal of the Poor Removal Act.—From Whitby and Wisbech, against the Sale of Intoxicating Liquors on Sundays.—From Shipowners and Others of Whitehaven, against any Alteration, without Inquiry, of the Navigation Laws.—By Lord Portman, from numerous Congregations of Protestant Dissenters, in favour of the Jewish Disabilities Bill.—From Kington District, and Others, for Inquiry into the Existing State of Turnpike Trusts in England and Wales.—From the Archdeaconry, Clergy, &c. of Colchester, Yeldham, and several other Places, against the Jewish Disabilities Bill.—From Tonbridge, for the Imposition of the Severest Penalties on all Roman Catholic Priests who shall Denounce Persons from the Altar.—From the Presbytery of Kelso and Lauder, for Facilitating the Attainment of Sites for Churches (Scotland).—By the Bishop of Winchester, from Winchester and Boston, for the Enactment of Sanitary Measures.—From the Governors of Swansea Infirmary, to be Relieved from the Payment of Legacy Duty on Bequests made to Charitable Institutions.—From the Commissioners of Supply of the County of Nairn, for Repeal of the Inventory Duty on Personal Estates (Scotland).

GOVERNMENT MAIL CONTRACTS.

The EARL of ELLENBOROUGH reminded their Lordships that a Committee, of which the noble Marquess (Marquess of Clanricarde) had been a member, had sat on the subject of the contracts entered into for the conveyance of the mails to foreign countries, and that the Committee had recommended that the contracts should be thrown open to competition, and that when the profits of the companies conveying the mails exceeded a certain rate, the nation should participate in those profits. Now, he had seen in the newspapers of the 19th of April an advertisement for tenders for the conveyance of mails to Alexandria, such tenders to be delivered in on the 18th of May. This was one of the most profitable contracts of the Peninsular and Oriental Steam Navigation Company, and one month was not a sufficient time to allow to the public to tender for this contract. He wished to know also whether any inquiries had been made into the profits of the Company in accordance with the recommendations of the Select Committee, and whether the Government had had access to their accounts?

The MARQUESS of CLANRICARDE said, that the advertisement had not emanated from the Post Office. He agreed with the noble Earl that one month was too short a time to allow for making the tenders; but then it should be remembered that the Government had the power of refusing to accept any of the tenders, and of re-opening the contract if they did not conceive it for the interest of the nation to accept any of them. Although a Member of the Committee, he did not agree with all the recommendations of that Committee.

DEFALCATIONS IN THE SUPREME COURT OF CALCUTTA.

The EARL of ELLENBOROUGH then called attention to reports which had been received in this country, and were understood to be true, relative to the disgraceful fact of more than one of the officers of the Supreme Court at Calcutta, in the receipt and custody of public money, having been guilty of defalcations in their accounts to a large extent. He trusted he would receive from the noble Marquess an assurance that a measure would be introduced on this subject, the provisions of which would have the effect of guarding against the repetition of such disgraceful conduct.

The MARQUESS of LANSDOWNE concurred in characterising the conduct referred to as most disgraceful. In reply to the noble Earl, he could only observe that as soon as the facts became known, affecting as they did one of the highest officers of the Supreme Court, immediate steps were taken to remedy the evil as far as possible. No time was lost in investigating the whole matter; and at the present moment the case was before the law officers of the Crown, with the view of ascertaining how the transaction stood in a legal point of view. As soon as their report was received, it would be seen whether it was necessary to introduce a Bill on the subject.

House adjourned.

HOUSE OF COMMONS,

Thursday, May 11, 1848.

MINUTES.] PUBLIC BILLS.—1° Borough Elections (No. 2); Incumbered Estates (Ireland).
2° Lunatic Asylums (Scotland).
3° Removal of Aliens; Petty Bag Office.

PETITIONS PRESENTED. By Mr. Bright, from one of the Manufacturing Districts of South Lancashire, for Extension of Elective Franchise.—By Viscount Morpeth, from Members of the Congregation of General Baptists, in the Town of Louth, Lincolnshire, for Discouragement of Idolatry in India.—By Mr. Joseph Baily, from Talgarth (Brecon), and by other Hon. Members, from a number of Places, for Better Observance of the Lord's Day.—By Mr. George Duncan, from Members of the Presbyterian Congregation of Hiltown Free Church, Dundee, and by other Hon. Members, from various Places, for Alteration of the Law respecting Sites for Churches (Scotland).—By Mr. Edward Ellice, from the Town Council of Cupar, and by Mr. W. Morison, from Freeholders of Clackmannan, for Inquiry into the Excise Laws.—From Attorneys and Solicitors, practising at Ormskirk and Southport (Lancaster), for Repeal of the Duty on Attorneys' Certificates.—By Mr. Gardner, from several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for Extension of the Benefit Societies Act.—By Mr. George Hamilton, from Solicitors practising in Ireland, for Inquiry respecting the Court of Chancery (Ireland).—By Mr. Tatton Egerton, from Cheadle (Chester), and by other Hon. Members, from several Places, against the Diplomatic Relations, Court of Rome, Bill.—By Mr. E. Ellice, from the Town Council of Pittenween, in the county of Fife, for Improvement of Elie Harbour; and against the Law of Entail (Scotland) Bill.—By Colonel Muir, from Justices of the Peace of Renfrewshire, for Regulating the Licensing System (Scotland).—By Colonel Watkins, of the Board of Guardians of the Brecknock Poor Law Union, for Alteration of the Law respecting Mendicancy.—From several Clergymen of the Church of England, respecting Certain Pictures in the National Gallery.—By Sir T. Acland, from the rural Deanery of Torrington (Devon), for Alteration of the Law respecting Parochial Assessments.—By Colonel Mure, from Paisley, for Amendment of the Poor Law (Scotland).—By Mr. E. Ellice, from the Town Council of Cupar, for Alteration of the Law for Regulating Prisons (Scotland).—By Mr. Cardwell, from the Committee of the Liverpool Guardian Society for the Protection of Trade, and by the Marquess of Granby, from Stamford, against, by Mr. Bagshaw, from the Mayor and Burgesses of Harwich, for Alteration of, and by Lord Robert Grosvenor, from Brentford, and its Vicinity, in favour of, the Public Health Bill.—By Mr. Ewart, from the Burgesses of Lochmaben, for Amendment of the Royal Burghs (Scotland) Act.—By Mr. Bulkeley Hughes, from Llanbeblig (Carnarvon), for Alteration of the Law of Settlement.—By Lord George Bentinck, from the Rev. Henry Palmer, M.A., of Withcote Hall, Leicester, for Repeal of the Slave Trade Felony Act.—By Lord Newport, from Samuel Bright, and Others, Bishops Castle district, to take the Turnpike Trusts into Consideration.

AMERICAN POSTAL REGULATIONS.

Mr. BRIGHT begged to ask the right hon. Gentleman the Chancellor of the Exchequer whether it had come to the knowledge of Her Majesty's Government that a Bill was under the consideration of the American Legislature, having for its object the establishment of a retaliatory system of increased postage so long as this country retained its present postal regulations?

The CHANCELLOR of the EXCHEQUER had received information somewhat to the effect stated by the hon. Member; but he thought the hon. Gentleman was mistaken on one point, for he conceived this could not be regarded as a retaliatory measure, as the effect of any law the United States Legislature might pass would be to impose a higher rate of postage upon American citizens, and would affect them much more than the people of this country.

DENMARK AND SCHLESWIG.

Mr. URQUHART, in the absence of the noble Secretary for Foreign Affairs, would put to the noble Lord at the head of the Government the question of which he had given notice. It would be in the recollection of the House, that some time ago, on a question being put to the Government on the subject of the dispute between Denmark and Holstein, the reply was that, in the then state of circumstances, Her Majesty's Ministers did not consider that the guarantee of the Treaty of 1720 could apply. He now wished to know whether, as the English Government had recognised the right of Denmark to blockade the ports of those enemies or pirates who had invaded her territories, the noble Lord and his Colleagues still considered that the stipulation or guarantee of the Treaty of 1720 did not apply?

Lord J. RUSSELL said, it was the opinion of Her Majesty's Government that the guarantee of the Treaty of 1720 did not apply to the present state of circumstances between Prussia and Denmark.

NEW WRIT FOR HORSHAM.

Mr. GORING rose to move the issuing of a new writ for the borough of Horsham. In his opinion circumstances had very much altered since the House had consented to suspend the writ for that borough. His noble Friend who made a similar Motion upon a previous occasion, withdrew it, on the understanding that the First Minister of the Crown would immediately bring in a Bill upon the subject. The noble Lord took up the subject in such an energetic manner, that it was supposed that the Bill would have gone through the House without much opposition, and the writ was accordingly suspended. But what was the course which the noble Lord subsequently adopted, instead of proceeding with the Bill, which he pledged himself to introduce as regarded Horsham? The noble Lord awaited the introduction of the measure proposed by the hon. Member for Flint, and proposed to include in that the case of Horsham. He considered that a most unconstitutional measure. The right hon. Baronet the Member for Tamworth supported the proposition of the noble Lord, on the distinct understanding that no indefinite suspension was intended. He could assure the noble Lord that the electors courted, and by no means feared, the result of any inquiry which might be instituted. The hon. Member moved—

"That Mr. Speaker do issue his warrant to the Clerk of the Crown to make out a New Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Horsham, in the room of John Jervis, esq., whose Election has been determined to be void."

Lord J. RUSSELL: I certainly advised the House not to issue the writ for the borough of Horsham, because I thought it advisable that a full inquiry should take place into the facts of the case. After the proposal which had been made to the House, that inquiries in all cases of a like nature should be conducted by Commissioners, it did seem expedient to me that Horsham should be ranked amongst the other boroughs, and that the inquiries should take place together before a commission, rather than that I should proceed with the case by a separate Bill.

Mr. HUDSON said, that the noble Lord had shifted the responsibility of the measure from himself upon a private Member of the House. With regard to the borough of Horsham, if a clear case were made out, there would be no objection to a Bill for disfranchisement; but if it were included in a general Bill, it would become a case quite of another nature, more important interests would be involved, constitutional rights would be called in question, and there would be a powerful opposition to the Bill. If the noble Lord did not speedily promote his measure, the constituency of Horsham would have a right to complain.

Lord JOHN RUSSELL said, he never gave any intimation that if the House suspended the writ, he would take the matter into his hands. The House suspended the writ upon no pledge given by him. The noble Lord moved the issuing of the writ. The hon. Member for Montrose moved as an amendment that the writ do not issue. He (Lord John Russell) then observed, that it was a case of grave suspicion, and one which called for an inquiry. After the House had decided that the writ should not issue, he had been asked to introduce a Bill, to which request he assented.

The Earl of MARCH had understood the noble Lord distinctly to promise the introduction of a Bill, and upon that understanding he withdrew his Motion. As he remembered, the facts of the case were simply these:—He moved that the writ should issue; the hon. Member for Montrose moved as an Amendment that it should be suspended. The noble Lord, who came in late, got up and said that the circumstances of the case demanded inquiry, and therefore that it was necessary that the issue of the writ should be suspended for a time. The right hon. Baronet the Member for Tamworth inquired whether the suspension should be for an indefinite period? The noble Lord informed him that it should only be while the Bill was being brought in. Upon that understanding he withdrew his Motion. He considered that it would not be discreet in him to press his Motion after the opinions which had been given by the the noble Lord, supported as they were by the right hon. Member for Tamworth. He considered that by this postponement the electors of Horsham had not been fairly treated, and he would support the Motion that a writ do now issue.

Mr. HUME considered that the establishment of a general Commission would be very beneficial, as it would save the expense to the boroughs of having to send up witnesses to London. The business could be done in a much cheaper manner by sending down two Gentlemen to make the necessary inquiries. The hon. Gentleman the Member for Sunderland might consider that it was very unimportant whether an inquiry should take place in one borough; but it certainly was a matter of consequence to the nation that these acts of bribery, which were of frequent occurrence in different boroughs, should be inquired into. It was his opinion that Her Majesty's Government were taking the proper course, and that the inquiry to be made before the Commission would be attended with the proper result.

Mr. F. O'CONNOR was as anxious that abuses should be inquired into as any man, but he must protest against the proposal to select a few boroughs out of a number, in order to strike an average of the amount of corruption in each. The proposition of the Government resembled the fact of trying eight men, on the same evidence, for different offences, and then striking an average of guilt for each. He did not see how they could, in any justice, include the several boroughs in one indictment. There ought to be a separate inquiry for each.

Sir GEORGE GREY: The hon. Member is quite mistaken when he says it is the intention of the Government to include these boroughs in the one indictment; all we want to do is to establish one tribunal before which the different cases can be tried.

Mr. MANGLES trusted that the House would not stop with the cases which had been brought before them. He hoped they would go further. Every Member of the House knew that in almost every small borough throughout the country, say of from 500 to 550 voters, about 220 voters were sincere and honest Tories or Conservatives, and the same number Liberals or Whigs; and there were between forty and fifty dishonest men who could turn the scale either way, and were disposed to sell the election to whatever party chose to buy. However they might shut their eyes to the fact, every person knew that it was the case, and that there was no chance of getting the election unless with the assistance of these men. It was very gross hypocrisy for hon. Gentlemen to appear so excessively shocked when a case of bribery was brought before them, for they were well aware that conduct such as he had described was pursued in almost every small borough. The hon. Member for Cockermouth shook his head, as if his borough was pure *par excellence.* He was willing to concede so much to him; but he earnestly hoped the Government would take measures for throwing the smaller boroughs into larger ones, thus enlarging the constituency, and thus preventing these men from selling the country.

Mr. JOHN STUART wished to know whether the Government could either explain or justify the course which they had taken with respect to the borough of Horsham and the other boroughs involved in the Bill of the hon. Baronet. He contended that the course which was proposed to be taken was unconstitutional with regard to the House, and not creditable to the Government. If the Government meant to do justice in punishing the offences, they could not do so by inquiring all over the kingdom where similar offences had been committed, but by applying themselves to one case of gross delinquency when they found it out. The question now before the House related only to the borough of Horsham. He was persuaded that the House would consider the Bill most unconstitutional, and that the borough of Horsham had been treated most unfairly.

Sir R. H. INGLIS said, that they had received reports from seven Select Committees, more or less impugning the purity of election. In seven of these cases new writs had been moved for and granted, and he did not see in the case of Horsham, upon what grounds of justice they ought to refuse it. He trusted that his hon. Friend would divide the House in favour of the issue of a new writ; if he did so he would support him.

Mr. STAFFORD did not see why they should suspend the issuing of the writ in consequence of some conversation which took place outside a tavern door. An ostler and a potboy had been summoned to prove a case of treating, and then the defendant resigned the seat. Who those mysterious persons were, the Committee did not determine. A sufficient case had not been made out for depriving the electors of their privilege of a representative, and he would support the Motion of his hon. Friend, especially as, should the case be suspended in order to its being included in a general Bill, there would be little chance of the question being decided for a long time. They were all aware that a private Member had very little chance, at that late period of the Session, to press on a Bill, especially if it were keenly opposed.

Lord J. RUSSELL said: I have been asked what is the course I intend to pursue with regard to this Bill. I shall wait until the discussion takes place upon the measure of the hon. Member for Flintshire (Sir J. Hanmer); if that measure succeeds and includes Horsham in its schedule, I shall accept it; but if otherwise, I shall go on with the Bill which I have proposed.

Sir J. HANMER was willing to bring on his Bill at any time.

Mr. HENLEY observed, that if the hon. Gentleman intended to get his Bill through at all, his best course would be to withdraw it at present, and then to bring in a new measure. The people of Horsham were hanging between heaven and earth, between the noble Lord at the head of the Government, who would not go on with his Bill, and the hon. Gentleman opposite, who would not go on with his.

The SOLICITOR GENERAL said, that with respect to the Amendments which had been introduced into the Bill, they involved no alteration in the principle of the measure, which involved an inquiry into all cases in which the House had reason to suspect that corrupt practices had prevailed, by means of a Commission, which was to be sent down; in each instance, to institute an inquiry on the spot. This was the principle of the Bill. The machinery by which it was proposed to carry out this system was complicated and delicate, and many suggestions had been made for its improvement. As these suggestions, however, referred in great part, if not entirely, to matters of detail, he thought that the second reading might be taken now, and the Bill could be more particularly discussed as to detail, in Committee on a future occasion.

Sir R. PEEL had great doubts as as to the propriety of suspending the writ for Horsham. He thought that the case was one into which they ought to make inquiry; but he had some doubts, from the nature of the report of the Committee, as to the suspension of the writ. When, however, the noble Lord at the head of the Government had stated that in his opinion there should be further inquiry, he certainly considered that declaration on the part of the noble Lord as entitled to carry very great weight, and he had therefore consented to the suspension of the writ. This he had done under the impression that the noble Lord had so spoken, intending himself to institute an inquiry; and he must say that when the noble Lord the Member for Sussex asked whether the noble Lord at the head of the Government intended to institute an immediate inquiry, that he (Sir R. Peel) understood that such was the intention of the noble Lord; and the noble Lord the Member for Sussex had, he believed, withdrawn his Motion upon that ground. He would have had very great reluctance in consenting to a postponement in the issue of the writ, if the borough of Horsham had been left to be dealt with by the Bill of the hon. Gentleman, and if no day had been fixed for the consideration of that Bill. He understood, however, that the noble Lord at the head of the Government would give up Thursday next to the hon. Gentleman for the second reading of the measure. Still he feared that even this arrangement would fail to solve the difficulties which might arise upon the question. Many important subjects of discussion might be mooted in the Committee; for instance, the extent to which the inquiry should be carried, leaving the fate of Horsham undecided for a lengthened period. He was willing to consent to the further suspension of the writ for the purpose of inquiry; but what he would suggest, as the most desirable course, would be for the Government to undertake the conduct of the Bill by means of which the inquiry was to be made. This he recommended, feeling most strongly that the indefinite suspension of writs was a source of very great evil. Were the hon. Gentleman to attempt to carry through his own Bill, he would find that there were very great difficulties in his way, and considering that Wednesday was the only day on which the hon. Gentleman could bring forward his measure, he did think that the hon. Gentleman would have great difficulty in conducting his Bill to any satisfactory conclusion. Considering then that the hon. and learned Gentleman the Solicitor General had already been consulted upon the Bill as to the drawing up of the new clauses, he put it to the hon. and learned Gentleman whether it would be any addition to his trouble were he himself, on the part of the Government, to undertake to bring forward the Bill and support its clauses, instead of allowing his arguments and information to be filtered through the hon. Baronet, who at present had charge of the Bill?

MR. J. E. DENISON said, that it would not be satisfactory to the House to leave the matter in the hands of any individual Member of Parliament. He hoped that the hon. Gentleman the Member for Shoreham would not press the House to a division on the present occasion; but if after Thursday next some satisfactory conclusion should not be arrived at, he would not withhold his vote from the Motion for the issuing of the writ.

MR. GORING hoped that the House would not mete out to Horsham a different measure of justice from that apportioned to the other six boroughs the purity of which had been called in question, but for which writs had been issued.

House divided:—Ayes 73; Noes 167: Majority 94.

List of the AYES.

Baldock, E. H.
Benbow, J.
Bentinck, Lord H.
Beresford, W.
Blackstone, W. S.
Bolling, W.
Bowles, Adm.
Bramston, T. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Christopher, R. A.
Christy, S.
Cobbold, J. C.
Colvile, C. R.
Conolly, Col.
Cubitt, W.
Duncombe, hon. O.
Dundas, G.
East, Sir J. B.
Forbes, W.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Godson, R.
Greene, T.
Halsey, T. P.
Hamilton, G. A.
Harris, hon. Capt.
Henley, J. W.
Herbert, H. A.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hildyard, T. B. T.
Hodgson, W. N.
Hope, Sir J.
Houldsworth, T.
Hudson, G.
Hughes, W. B.
Ingestre, Visct.
Inglis, Sir R. H.
Kildare, Marq. of
Lascelles, hon. E.
Lockhart, A. E.
Lygon, hon. Gen.
Mackenzie, W. F.
Macnaghten, Sir E.
Mandeville, Visct.
Masterman, J.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Napier, J.
Newdegate, C. N.
Newport, Visct.
O'Brien, Sir L.
O'Connor, F.
Prime, R.
Repton, G. W. J.
Robinson, G. R.
Seymer, H. K.
Sibthorp, Col.
Sidney, Ald.
Smyth, J. G.
Somerset, Capt.
Stafford, A.
Stuart, J.
Sturt, H. G.
Taylor, T. E.
Walsh, Sir J. B.

West, F. R.
Willoughby, Sir H.
Wynn, Sir W. W.

TELLERS.
March, Earl of
Goring, C.

List of the NOES.

Abdy, T. N.
Anderson, A.
Bagshaw, J.
Baines, M. T.
Barnard, E. G.
Bell, J.
Bellew, R. M.
Bernal, R.
Blake, M. J.
Bouverie, hon. E. P.
Bowring, Dr.
Boyle, hon. Col.
Bright, J.
Brotherton, J.
Brown, W.
Buller, C.
Buxton, Sir E. N.
Carter, J. B.
Cavendish, hon. G. H.
Charteris, hon. F. W.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cochrane, A.D.R.W.B.
Colebrooke, Sir T. E.
Craig, W. G.
Dalrymple, Capt.
Dashwood, G. H.
Davie, Sir H. R. F.
Denison, W. J.
Denison, J. E.
Divett, E.
Douglas, Sir C. E.
Drumlanrig, Visct.
Duncan, Visct.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, W.
Ewart, W.
Fellowes, E.
Fergus, J.
Fitzpatrick, rt. hon. J.
Foley, J. H. H.
Fordyce, A. D.
Fortescue, hon. J. W.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Graham, rt. hon. Sir J.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord J. F.
Hanmer, Sir J.

Hawes, B.
Hay, Lord J.
Hayes, Sir E.
Hayter, W. G.
Heywood, J.
Hindley, C.
Hobhouse, T. B.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Hume, J.
Humphery, Ald.
Hutt, W.
Jackson, W.
Kershaw, J.
King, hon. P. J. L.
Langston, J. H.
Lascelles, hon. W. S.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Loch, J.
Lushington, C.
M'Cullagh, W. T.
Maitland, T.
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Mitchell, T. A.
Monsell, W.
Morris, D.
Moyston, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Norreys, Lord
Norreys, Sir D. J.
O'Connell, M. J.
Ogle, S. C. H.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pattison, J.
Pearson, C.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Perfect, R.
Pilkington, J.
Power, N.
Pugh, D.
Rawdon, Col.
Ricardo, O.
Rich, H.
Richards, R.
Romilly, J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Sandars, G.
Simeon, J.
Smith, rt. hon. R. V.
Smith, M. T.
Smith, J. B.
Somerville, rt. hn. Sir W.

Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord D.
Tancred, H. W.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Towneley, C.
Towneley, J.
Townshend, Capt.
Traill, G.
Tynte, Col.
Verney, Sir H.
Vivian, J. H.

Wall, C. B.
Walmsley, Sir J.
Watkins, Col.
Wawn, J. T.
Westhead, J. P.
Willcox, B. M.
Williams, J.
Williamson, Sir H.
Wilson, J.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyld, J.
Wyvill, M.
Yorke, H. G. R.

TELLERS.
Tufnell, H.
Hill, Lord M.

Motion negatived.

LUNATIC ASYLUMS (SCOTLAND) BILL.

The LORD ADVOCATE moved the Second Reading of this Bill, the name of which, he said, would be sufficient to gain for it the favourable consideration of the House. A Committee of the House had sat upon the subject in February, 1847, and had reported the most startling facts relative to the want of accommodation for pauper lunatics in Scotland. In many of the Scottish counties there were absolutely no asylums whatever for the reception of pauper lunatics. Amongst others, the important counties of Argyle, Ayr, Inverness, Clackmannan, Kincardine, and Peebles, were in this predicament. In fact, in no less than twenty-four counties in Scotland there was absolutely no accommodation for lunatics in the shape of public asylums; and where they did exist their accommodations were generally very inadequate. There existed in Scotland 3,410 lunatic paupers, supported in whole or in part by parish relief: of these were accommodated in asylums in different parts of the country 1,619 paupers; for the remainder of these unfortunate persons there was not a cell in any asylum in any part of Scotland; and it was to the way in which they were maintained in the dwellings of their relations and friends that he now wished to call the attention of the House. That was one of the subjects referred to in the report of the Committee. With the permission of the House he would lay before them a short list of counties in Scotland in which there are establishments for lunatics, distinguishing public from private establishments, and showing the total number of patients, and also the number of paupers in each. The learned Lord read the following statement:—

Counties.	Establishments.		Total Number of Patients.	Number of Pauper Patients.
	Public.	Private.		
Aberdeen ...	1	—	210	165
Aberdeen ...	—	1	15	—
Bute.........	—	2	2	—
Dumfries ...	—	1	130	66
Edinburgh .	1	—	467	344
Edinburgh .	—	12	259	92
Elgin........	1	—	30	30
Forfar.......	2	—	336	252
Forfar.......	—	2	2	—
Inverness...	1	—	10	10
Lanark......	1	—	545	388
Lanark......	—	4	117	70
Linlithgow.	—	1	1	—
Perth	1	—	164	90
Renfrew....	—	2	129	112
Total...	8	25	2,417	1,619

He would next direct their attention to the number of public and private asylums in each county, the rate per head for the maintenance of pauper lunatics in each, and the number of those lunatics who lived with their friends, with the sum allowed for their maintenance. The abstract was as follows [*see Table below*] :—

It would thus appear that there was no accommodation whatever in any asylum, public or private, for 1,791 pauper lunatics —that those who were so fortunate as to obtain admission into public asylums were maintained there at rates varying from 16*l.* to 20*l.* per head, while those who lived with their friends were allowed sums of 3*l.* and 4*l.* per year, and in some cases but 14*s.* Was it possible that those who had such a miserable pittance could exist in any state but that of the greatest misery and degradation, painful to contemplate? He had made inquiry into their condition, and the result was, that in many instances he had become acquainted with the most distressing particulars. It appeared that many of these poor creatures were confined in dungeons, chained on their beds of straw, and lived on little better than garbage. In fact, it was impossible to feed them on wholesome food at a rate of 3*l.* or 4*l.* a head. A few cases taken from the report of the Poor Law Commission Inquiry for Scotland would show how pitiable was the lot of the latter class of lunatics :—

> "John Livingston, a violent maniac. Lying upon straw on a wooden floor, in a loft above his brother-in-law's smithy. Has no clothing on him whatever. He tears all his clothes off him. Had a coverlet over him. He is very ill just now. Has not slept for two nights. Has been a lunatic for eight years. Was said to have had a stroke of the sun when he was at Buenos Ayres. He is obliged to be constantly chained. Betty Fraser, aged forty. Unmarried. A maniac. She was taken charge of by her father and mother, and was kept in constant confinement in a garret over the room in which they lived. Her father was a mason, aged sixty-nine. They had no other children living with them. 4*l.* a year was allowed

Counties.	Public Asylums.				Private Asylums.				With Friends.			
	Number.	Price.			Number.	Price.			Number.	Price.		
		£.	s.	d.		£.	s.	d.		£.	s.	d.
Aberdeen	114	15	12	0	—		—		148	5	12	0
Argyle	25	26	13	0	2	20	12	0	107	5	4	0
Ayr	39	22	17	0	—		—		81	7	12	0
Banff.....................	17	22	9	2	—		—		68	7	12	11
Bute	9	26	9	6	—		—		10	5	5	10
Caithness	9	23	17	9	1	21	10	0	81	2	9	1
Dumbarton	20	24	2	0	1	20	0	0	24	9	11	3
Dumfries	28	20	10	7	1	22	0	0	80	6	5	2
Edinburgh	242	15	10	7	24	17	4	0	56	7	19	4
Fife	62	21	14	1	17	21	1	3	80	7	15	3
Forfar	155	15	16	9	1	24	0	0	78	6	19	8
Haddington	8	16	8	8	16	18	18	7	46	8	9	3
Inverness	11	25	6	4	—		—		80	4	0	2
Lanark	239	24	19	0	13	19	9	3	109	6	6	9
Nairn	1	25	0	0	—		—		14	4	13	3
Orkney	4	14	14	0	—		—		41	2	4	0
Perth	86	20	11	7	—		—		132	7	9	2
Renfrew	43	23	14	0	39	17	2	6	57	8	10	0
Ross	12	20	4	0	1	20	0	0	101	4	16	4
Roxburgh..................	9	16	10	0	13	19	7	8	51	8	14	0
Sutherland	4	23	2	6	—		—		28	5	0	0
Zetland	9	21	2	8	—		—		16	0	14	3

for Betty Fraser's support. She had been for many years confined. She generally lay in bed with a blanket, and no other clothes about her. She was very violent if any one went into the room, and would attempt to escape when the door was opened. Her mother said she went into the room every day, but that, had it not been for a hurt which Betty Fraser got in her foot, she could not have withstood her. Her habits were filthy. She was never washed, and her food was put in for her at a hole in the wall. Alexander Anderson, aged twenty-five. Fatuous, and sometimes very violent. Allowance 2*s.* 6*d.* a week. Lives with his mother and sister. The mother is a widow forty-nine years of age. She sews muslin. Her daughter, aged twenty-nine, also sews muslin. Alexander Anderson is confined in a bed, which is boarded up so that he cannot get out. He has been kept in this way for nearly six years. He has no debility, but is strong and active. He sometimes gets out of his box bed, and is with difficulty got back, He was out of bed last Sunday, and a man who lives next door, was called in to help to put him back. He is outrageous at times, and threatens his mother and sister. They would not object to his being sent to any asylum. His food was put through the door."

There were many other cases of a similar nature; but he would not refer to more of them, because it was as painful to him to read as it must be to the House to hear them; but he could not avoid reading an extract from the evidence of Dr. Browne, of the Crichton Asylum, Dumfries, showing the prejudicial effects to the patients of such treatment as was detailed in the extracts which he had referred to. The passage in Dr. Browne's evidence was this:—

"From the state in which pauper lunatics are brought to your asylum, have you formed any opinion as to the mode in which they have been treated previously?—I have. And what opinion did you form?—That it was entirely inconsistent with their comfort and cure, and with the dictates of common humanity. They were generally brought bound, galled, in a state of shocking filth, crouching, with their limbs contracted, showing that they had long been confined, or that they had been long in bed. This applies not to all, indeed, but to many. Though we do not receive fatuous patients and all cases whatever, it is my belief that none are sent to us who can be managed in any way at home, nor until they became nuisances, or dangerous to themselves and others."

It must, he thought, appear surprising to the House that such a state of things should have existed up to the present moment in a country like Scotland; but still more surprising would it be, if the House, having been made aware of the existence of such evils, and having been asked to apply a remedy, refused to step in and sanction the passing of this measure, to which he expected their unanimous consent. For the honour of the country, and more especially for the credit of those hon. Members representing Scotch constituencies, he hoped this Bill would receive the speedy approbation of the House. He proposed that the expense of the measure and of the new system should be borne by assessments on the various counties; and in order to lessen the burden, he would divide the counties into districts proportionably to their size and wealth. He would not ask the House to do anything for Scotland which they would not do for England, and did not seek to impose any additional burdens on the imperial Treasury. The Bill would be referred to a Select Committee upstairs, in which all the details would be most fully and carefully considered; but meantime he might state, that he would take the responsibility of the measure upon himself. The working of the plan would be placed under the direction of a board composed of members of different classes in society, and constituted in the same way as the board in England, but on a more economical scale. Those institutions which were in possession of funds or property, left by charitable individuals, would be duly credited with the money belonging to them, which would be included in the amount of the assessments. The main object of the Bill was to provide lunatic asylums for the poor; but he proposed that those lunatics in more comfortable circumstances, whose friends might place them in the asylums, should contribute a fair amount of payment for their maintenance. He hoped the Legislature would support him unanimously in carrying through this good work, which, when accomplished, would remove a great reproach and gangrene from the social system of Scotland, and be in accordance with the dictates of Christian wisdom, of humanity, and of justice.

Mr. F. MACKENZIE would offer no opposition to the Bill of the learned Lord, as he was satisfied from the speech he had just heard, and from the statements conveyed to him from Scotland, that some such measure was absolutely necessary; but he could not pledge himself to the details without further consideration.

Mr. HUME had no objection to the principle of the Bill, but objected to some of the details. He did not see any absolute necessity for creating any new board under the Bill, particularly as those persons who at present managed the affairs of the poor in Scotland did not seem to be very much occupied.

Mr. AGLIONBY would not oppose the Bill, as it was to be sent upstairs to a Select Committee; but he wished to call the attention of the learned Lord to the great complaints which were made, particularly from Kirkcudbright and Dumfries, as to the heavy expense on the landed interest of maintaining the insane poor, for the district boasted of a most extensive and well-managed asylum, situated in the latter town, which was amply endowed with funds, and could be devoted to the reception of those who were now a burden on the landowners.

Mr. FORBES wished to ask the learned Lord how many new places the proposed board would place at the disposal of the Government, and what salaries would be paid to the persons whom Government might appoint to fill the newly-created offices? He quite agreed with the hon. Member for Montrose that the country might be saved the expense of two boards, as that body which at present managed the poor-law in Scotland could easily superintend the working of this Bill.

Mr. EWART gave his warm support to the general principle of the Bill. So far as he understood the opinions of the people of Scotland, he believed that such a measure as this was very much required. But he confined his support to the principle of the Bill. He begged to call the attention of the Lord Advocate to the fact, that there existed in the county of Dumfries as good a lunatic asylum as was to be found in any part of the United Kingdom. Owing to the benevolence of an individual whose name would be immortalised for the bequests which he had made in favour of that and other institutions—the asylum in Dumfries had the power greatly to extend relief to pauper lunatics. He hoped, therefore, that the right hon. and learned Lord would take into consideration the peculiar circumstances of the county of Dumfries, and, he might add, of the counties of Kirkcudbright and Wigton, and make an exception with regard to them on account of the accommodation which they already possessed.

Mr. MAITLAND said, the Bill had been submitted to the consideration of every stewarty in Kirkcudbrightshire, and had received their warmest approbation: he might, he believed, say the same with respect to the county of Dumfries; he thought, therefore, that his two hon. Friends who had just spoken were in error.

Sir G. CLERK wished to tender his thanks to the right hon. and learned Lord for having introduced this measure. If it should impose any expense on parties, they would have the consolation of knowing that it was for an object of the very greatest importance. The Bill having, as he believed, been considered by every county and borough in Scotland, there was not a dissentient voice raised against it. With regard to the peculiar case mentioned by the hon. Member for Dumfries, if he gathered the explanation of the Lord Advocate correctly, that right hon. and learned Lord stated that any county which possessed means for providing for the care of pauper lunatics would have the full benefit of those means, and of course a proportionate diminution of charge would be imposed upon them. In the county of Edinburgh, where the Lord Advocate had an opportunity of stating his views about a fortnight ago, he met with unanimous support, and the people of that county expressed themselves quite ready to adopt whatever further measures might be necessary to provide for these poor suffering persons. He considered that referring the Bill to a Committee upstairs was the wisest course that could be suggested.

Mr. S. WORTLEY thought that all comment upon the details of the Bill would be much better reserved for the Committee upstairs; but he was anxious to join his right hon. Friend (Sir G. Clerk) in thanking the right hon. and learned Lord for having brought forward this measure. From his connexion with the county of Bute, he was enabled to state that there were many of those poor afflicted creatures for whose benefit this Bill was intended, who were sent to the most beautiful and salubrious part of the isle of Arran; but not for the sake of the salubrity of the situation, but in order that they might be kept out of sight; and it was perfectly shocking to think of the nature of the treatment which those unhappy creatures experienced when they arrived there. He rejoiced, therefore, that the right hon. and learned Lord had introduced this measure, and he entirely approved of its being referred to a Committee upstairs; but he would suggest to the right hon. and learned Lord, that it would be unsafe to establish a system which would not secure ample control on the part of the Government.

Sir D. DUNDAS wished to add his testimony to the praise given by all parties in Scotland to his right hon. and learned

Friend for the introduction of this Bill. He considered the statement made to-night could not fail of carrying conviction to every bosom as to the integrity and propriety of this measure. When he thanked his right hon. and learned Friend, he would tell him, for his comfort and consolation, that whatever might come of this measure, it was a work of charity to help those who could not thank him themselves—that it was for a class of poor unhappy people for whom they, the Members of the House of Commons—blessed with the possession of their senses—ought to be ready to do everything that could alleviate their attention.

The LORD ADVOCATE replied, and said, in reference to the case of Arran, which had been adverted to by the right hon. Gentleman the Member for Bute (Mr. S. Wortley), that it was his intention to lay the whole particulars of it before the Select Committee. It was a case of most intolerable cruelty inflicted by the parochial boards of some of the largest, most wealthy, and principal towns in the west of Scotland. It was mainly in reference to cases of that nature that he brought forward a Bill in 1840, and which was passed into a law—a Bill by which he thought he had provided that a penalty should be imposed both upon the senders and receivers of lunatics under such circumstances as the Arran case presented. He knew not how it was, but in that case the penalties were not inflicted: he wished there had been shown grounds to inflict them. He, however, knew enough of the case to say—for he had inquired into it, and he durst say that the right hon. Baronet the late Secretary of State for the Home Department (Sir James Graham) would bear him out in saying—that it was one which most satisfactorily proved that no trust or confidence could be placed in parochial authorities when the question to be attended to was one between saving expense and that of a work of humanity.

Bill read a second time.

REMOVAL OF ALIENS.

On the Motion for the Third Reading of the Removal of Aliens Bill,

The EARL of ARUNDEL AND SURREY said, he had received a letter from a distinguished Member of the ex-Chamber of Peers of France, the Count de Montalembert, an extract from which he was desirous of reading to the House. The illustrious individual to whom he referred said that he had been mentioned as one of those who incited Ireland against the British Government, and he went on to say—

> "Nothing can be further from my language and opinions on this subject. I have always, it is true, felt and expressed the deepest sympathy for the wrongs and sufferings of Ireland, but at the same time I have always professed a sincere respect for England, and a heartfelt interest for her welfare. I hope and trust that for her own sake, as well as for the sake of religion and humanity, England will as soon as possible do justice to Ireland, but at the same time I remain true to the doctrine of moral force as professed by the illustrious Daniel O'Connell. As for the Repeal of the Union, I have never expressed any opinion on the subject."

He (Lord Arundel and Surrey) considered it his duty to read that extract from the illustrious Gentleman's letter.

MR. MOWATT, conceiving that the present Bill was totally uncalled for, thought it his duty to move that it be read a third time that day six months. No one could deny that the Bill was a direct violation of the spirit of the British constitution, as well as an outrage upon the public opinion of the present day. The measure proposed to invest the Secretary of State with powers which could only be justified by the most stringent necessity, and that had been fully admitted by the right hon. Baronet who had introduced the present Bill. But yet the right hon. Gentleman had not stated any distinct ground in support of the introduction of the Bill; he had only given them an indistinct idea of the circumstances which led to it. He would not ask the right hon. Baronet to make any disclosures which might be inconsistent with his duty; but it was necessary for him to make out some case in support of the principle upon which the Bill was founded, and which he had heard the right hon. Baronet himself heretofore frequently condemn. Whenever such measures were brought in formerly, sufficient reasons had been given for them. The present measure was directed chiefly against the French; now he thought it was impossible for any of that people to enter into any practicable conspiracy which would have the effect of disturbing or exciting the people of this country. Why, our very language was an insuperable barrier to their attempting to excite by any inflammatory speeches, or even to address at all an English audience, as it appeared to be so much apprehended by the right hon. Baronet they might do. For his own part he thought the idea was preposterous. But even if the most substantial grounds should exist for supposing that there were swarms of dangerous foreigners in this country, associated against its peace and tranquillity, as asserted, he felt persuaded that the ordinary law was sufficient for their suppression. He was aware that a sort of panic had recently seized a large portion of the people of this country; and he believed that, in consequence of that panic, the Government might carry any measure of coercion. He had reason, however, to think that the alarm was now subsiding; and, for his part, he felt ashamed to see a British Government, calling itself progressive, devoting all its energies and attention to the adoption of measures of a repressive character. Her Majesty's Ministers had proposed to them, during the present Session, an Irish Coercion Act, and afterwards a "Gagging" Act, and, at that moment, they had before them an Aliens Bill. It had been stated by the hon. and learned Gentleman the Attorney General that no necessity would, perhaps, ever arise for enforcing the provisions of that measure. In that statement he entirely concurred. He believed that it was a silly and a useless Bill; but he nevertheless strongly objected to its principle. He believed that it would arm the violent party in France with a good excuse for retaliating against Englishmen by a similar measure, should they be so disposed. He could see nothing to account for the introduction of such a Bill. It was true that they had had a revolution on the Continent. But for his part he should say, that whatever might be the errors to which that event might have led, he heartily rejoiced at its occurrence; he thought that it was perfectly justifiable; and he hoped that the Government of this country would draw from it a more useful lesson than they had hitherto done. He could perfectly understand the introduction of such a measure by a Tory Government, for it would be consistent with the principles their party had always advocated. But the Bill was directly opposed to the opinions professed by every liberal statesman in this country. He believed it was neither more nor less than an attempt to widen the channel between England and republican France. Her Majesty's Ministers might, however, as well attempt to stop the advancing tides as to stop the onward progress of liberal principles; and as to the outcry against propagandists, why all liberal men were propagandists at the present day, and no persons were more so than our own countrymen. There were no people so prone as English travellers to censure, in the most violent manner, the institutions of foreign States, on the ground that they were less liberal than those of their own country. The hon. Member concluded by moving that the Bill should be read a third time that day six months.

Mr. HUME seconded the Amendment. He believed the Government had made a very great mistake in proposing such a measure. He did not agree with his hon. Friend that the Bill would be utterly inoperative. But it appeared to him, that Her Majesty's Ministers were placing themselves in the category of the most retrograde Governments by the introduction of such a measure. He felt it his duty to protest against the Bill, as he had before on more than one occasion protested against a similar measure in company with many Members of the present Government.

Lord D. STUART denounced the Bill as unwise and unnecessary, and said that he had given notice of two clauses which he proposed to add to the Bill if it should pass the third reading, but that he could not consent to let it pass through that stage without recording his opposition to it.

Mr. MUNTZ supported the Amendment, and wished it was in his power to throw out such a disgraceful measure. It was said some time ago that there was an old woman in the Cabinet, but he thought that the Cabinet was composed entirely of old women now.

Mr. EWART also opposed the Bill. He did not so much regard it as a measure which would prove injurious to foreigners, as one which implied a want of confidence in the people of England, and a want of confidence in the good working of our constitution. He believed that there were even Members of the Government who most reluctantly gave their support to this measure.

Mr. FORSTER would support the Bill if he thought it in the slightest degree necessary for the support of the institutions of the country; but he opposed it because he regarded it as altogether unnecessary for such an object, while it would have the effect of leading foreigners to believe that we had good grounds for alarm.

Sir H. VERNEY said, it had been strongly contended by the opponents of this Bill, that we should in no respect interfere with the Governments of foreign countries. Then, why should we not have the power to prevent people from foreign countries interfering in our affairs, and plotting against our Government? Persons who went into any country to which they did not belong, and endeavoured to plot against the constitution of that country, deserved the most condign punishment; and he believed that, in present circumstances, Government would have failed in their duty if they had not taken steps to secure us against the interference of foreigners. Something had been said about the existence of a panic; but the whole conduct of the people of London on a late occasion was as unlike that of the people labouring under a panic as could well be imagined. That was just one of the reasons, however, why Government should be armed with the powers given in this Bill.

Mr. DUNCAN had voted against the Crown and Government Security Bill, because it contained a clause which he thought might operate injuriously to the free expression of opinion; but he was quite prepared to support Government on the Bill now under discussion; seeing that, thought it was a somewhat harsh measure, it was nevertheless stated by them to be one which in present circumstances was necessary to the country.

Sir G. GREY had to express his thanks to those Gentlemen who held opinions adverse to the Bill, for the manner in which those opinions had been expressed in the course of these discussions. Nothing could be more fair than the manner in which the opposition to the Bill had been manifested throughout. The hon. Gentleman who moved the Amendment complained that he had not given sufficient explanation of the necessity that existed for the Bill; but he thought that when moving the second reading of the Bill he had very decidedly referred to the general state of Europe, and also to the fact that circumstances had come within his knowledge, in the course of the discharge of his duties, with reference to foreigners who were at that time in the country—not foreigners driven from their own countries by political persecution, but persons who had come here for the purpose of exercising influence in the affairs of this country—which justified the introduction of such a measure. He did not mean to say that this Bill was essentially necessary to the security of the institutions of the country; he did not say that were such a Bill not passed he should despair of those institutions. They would ill appreciate the sound, loyal, and peaceable disposition of the people if they did not believe that any outbreak or disturbance whatever, whether fomented by foreigners or not, would be put down by the sound, loyal, and constitutional feeling happily so prevalent in this country. But when they looked to what had passed both in England and Ireland, he thought the Government had a right to take credit to themselves for the precautionary measures they had taken, and at the same time to appeal to them as proofs of the necessity of the present measure. He maintained that the loyal and peaceable people of this country had a right to look to the Government, under the peculiar circumstances in which foreign countries were placed, and considering the spirit of propagandism which existed, not on the part of foreign Governments, but on the part of individuals; and accordingly, Her Majesty's Ministers thought they were bound in justice to the loyal and peaceable subjects of the Crown, and for their security from tumult and disturbance, to ask for powers from Parliament—powers not of a very stringent character, and for a limited time only; the great feature which distinguished this Bill from all former measures of the kind being that it was proposed for the preservation of the internal peace and tranquillity of the country. Allusion had been made to what fell on a former occasion from the Attorney General as to the probability of the Bill being inoperative. He had no doubt that the occasions would be rare on which it would be the duty of the Government to exercise the powers conferred on them by this Bill; but if it was known that the Government did possess those powers, and was ready to exercise them upon those who were disposed to abuse the hospitality of the country—if it was known that those who came here for lawful and honest purposes would have the hand of friendship and hospitality extended to them, but that with regard to those who came for unlawful purposes, or on invitation from others living within the realm, to assist in disturbing the public peace, the Government would not shrink from exercising the powers conferred upon them by this Bill, and removing them from the country—if this were known, he had no doubt it would have the best effect, and so far tend to promote the peace and tranquillity of the country. The hon. Member for Birmingham had referred to what had passed betwixt him and certain foreigners on the subject of this Bill. He need hardly say that the foreigners with whom the hon. Member came in contact were not likely to belong to the class of foreigners who would come under the operation of this Bill, or to whom it would in any way apply; but that was no evidence that there were not other foreigners in the country with regard to whom such powers as the Bill contained were required. He trusted that when the Bill became law those Gentlemen who had formed the opposition to it would have no cause to complain that such powers had been confided to the Government; and that those powers would not be exercised in a single case in which they were not able to give the most satisfactory explanation of their conduct.

Mr. M. GIBSON was anxious to make one or two observations on this measure, as an explanation of the vote which he felt it his duty to give. He was quite willing to admit, for one, that those persons who imagined that the ordinary laws and statutes of the realm were not sufficient to deter foreigners from committing crimes against the public safety had an ample justification in introducing and supporting this measure; but, for his part, he confessed that he had the greatest difficulty in bringing himself to the belief that it was necessary to add anything whatever to the power of the Executive or to the criminal law of the country in order to prevent aliens from disturbing the public peace. If he was asked how he would punish an alien for interfering with the institutions of the country, his answer was that he would punish an alien as he would punish an Englishman for committing any offence against the laws of the country. He considered that while an alien was in this country he owed a temporary allegiance to the laws; but he considered at the same time that he was entitled to the protection which others enjoyed for their personal security. It might be an extreme opinion, but he could not for the life of him understand why, if they thought it necessary to surround an Englishman with safeguards against the success of a false accusation, a foreigner should not also stand in need of the same safeguards. Was it that an alien, not speaking their language, and having no means of calling witnesses to character, or of exciting the sympathy in his behalf that an Englishman could, had less need of those invaluable safeguards against false accusations than an Englishman? It appeared to him that unless it could be shown that they could dispense with these safeguards with propriety in the case of their own countrymen, they could not dispense with them in the case of foreigners. He would not trespass between the passing of that Bill and the important business that was to succeed; but he could not satisfy his own mind, entertaining as he did a very strong objection to the principle of the measure and to placing an Alien Act on the Statute-book, without at once declaring his opinion; and he trusted that in so doing he had not been guilty of any disrespect to the House.

Mr. BROTHERTON had not the least doubt in his mind as regarded the people of this country; and he wished the Government to have the fullest confidence in them also. He would like to see the Government leading public opinion rather than opposing it; and he was satisfied from what he knew of the state of public feeling that if the Government but adopted a liberal course they would be supported by the great body of the people. It was, therefore, not from any distrust of the people of England that he voted for this Bill. He had supported liberal measures in that House for fifteen years; and every man who knew him would say that he had never courted any Government whatever. He never had looked for any favours from Government; and his support had always been independent and disinterested; and, with regard to the course he now thought it his duty to take, it was simply a question of confidence. He had watched the conduct of Ministers many years, and he found that they had always been on the liberal side, though they had not proceeded in the march of improvement as rapidly as he should have liked. He did feel, therefore, that he was bound to give his confidence to men who had hitherto shown a regard for the liberties of the country; and he had no right to suppose that they had changed their opinions any more than he had changed his. When he found that the Government recommended a measure which they believed necessary for the preservation of the peace of the country, he considered it his duty to support it. Though he was in favour of the most liberal measures with regard to the power of the people, he would support nothing that conduced to disorder, or led to anarchy and confusion. He was the friend of peace and peaceful reforms. He set his face against all attempts to effect changes by physical force, as he set his face against war; therefore he gave a vote of confidence to the Ministry on this measure. He was not in the secret as to the necessity of the Bill, and of course he could not know what circumstances influenced the Government; but he believed they were looking to the peace and welfare of the country, and therefore he gave them his support on the present occasion.

Mr. Cobden: Sir, the speech of the hon. Gentleman who preceded me appears to me to be not so much in favour of the measure before us as of the Ministry. This speech has confirmed me in the opinion which I have some time entertained, that we are liable to pass bad measures here, not because we approve of them, but because there happens to be a peculiar state of parties, whereby a large number of Members on this side of the House support the Government in good or bad measures because they had been for fifteen years in the habit of voting for them; and the state of parties on the other side induces a large number of Members to vote with the Ministry because they are not prepared to take the Government themselves; and another large body supports the Administration because they would prevent the other section on their own side of the House from taking the Government at all. I think this a very unfortunate state of parties; because we get rid of all our responsibility, and instead of voting for or against certain measures on conscientious considerations, we are apt to be swayed by the thought of who is in office or who is likely to get into office. I have made up my mind to give my vote independently of all parties; and I believe the country will never have a chance of getting good measures until we totally fling aside the whole distinctions of parties, and decide on measures according to their merits. I am quite sure that the great measure with which I have been connected—I allude particularly to that of free trade—would never have been passed had we not commenced its advocacy by resolving to regard Whigs and Tories as identically the same; and I beg to say that I shall so regard them in all future questions in which I may take a part. This Alien Bill has been so exhausted by preceding speakers that I need not dwell upon it. One view, however, has not been taken. The fact that Government are passing Alien Bills and Bills for the protection of the Crown and Government, is to me a proof that they are taking the wrong direction altogether—that they are not adopting that which is the best course for strengthening and preserving our institutions. They seem to me not to have profited by the example set on the Continent, where repression and coercion have failed in the purposes to which they have been applied, and Governments have fallen because they have not taken the opposite course of conciliation and concession. Still we see our Government following the old course, resorting to coercion and repression, to Alien Bills and to Crown and Government Security Bills; but we have had no measure propounded to the House and the country which is calculated to increase the attachment of the people to the institutions of the country. I venture to say that the country is looking most anxiously at the present time, not for Coercion Bills, not for Gagging Bills, nor for Bills to protect the people of this country against aliens; but they are waiting to hear from the Government the announcement of remedial measures. They expect to hear that the Government are prepared to put our representative system more in harmony with the spirit of the age. The people of this country are not prepared to see all the world in motion while they are standing still—still less, making a retrograde movement. The country is also looking for retrenchment and economy; and I venture to say that if you wish to maintain the monarchy of this country against republican innovations, you will do more to accomplish that object by cutting away some of that barbarous splendour which belongs to other times, which is maintained at so great a cost to the country, and solely for the aggrandisement of the aristocracy—you will do more to reconcile the people of this country to monarchical institutions, by removing some of those useless and cumbrous appendages of royalty, than by resorting to legislative enactments to prevent the people from discussing republicanism, or adopting such violent measures as the one we are now discussing. And I entreat the Government not to think that there is a passive acquiescence on the part of the country in the measures they are now passing. I have already explained why it is that you have a majority in this House; the feeling outside, I assure you, is very different; and if you want to maintain the institutions of the country, do not trust to coercion, but resort to concessions—to remedial measures; reform yourselves and retrench your expenditure.

Lord JOHN RUSSELL: I wish to address a few words in reply, partly to the observations made by the hon. Gentleman who moved the rejection of this Bill, and partly in reference to some observations which have fallen from the hon. Member for the West Riding of Yorkshire. The hon. Gentleman the Member for Falmouth, who moved that the Bill should be rejected, complained that the Government had in the beginning of this Session introduced various measures of coercion, were abandoning the principles they formerly professed, and were acting against the constitution of this country as generally recognised. It has certainly been our fate to introduce measures which were intended for the purpose of repression. If such measures were not necessary, then we were not justified in introducing them; but if they were necessary, I think, then, we should have been much to blame if we had refused to perform that which was a duty to the well-affected and well-disposed people of this country, from any fears of such imputations as the hon. Gentleman has thrown out. But I think there are two tests by which such measures may be tried. The one is, whether such as we have hitherto introduced, of which the operation has been in some degree seen, have been successful in diminishing crime and excitement to crime—have been successful in diminishing that state of disturbance and uneasiness which prevailed in one part of the United Kingdom; and the second is, whether those measures have operated with as little disturbance as it was possible to give to the ordinary and usual enjoyment of the liberties of this country. In so speaking, I do not mean to make any distinction, more than the hon. Gentleman who spoke last, between Whig and Tory, because I believe that both parties in these times, whatever may be the character that belonged to some of the parties which existed in former times of our history, are earnestly anxious to maintain those constitutional liberties which are the birthrights of the people of this country. With respect to the first measure we passed, there began to prevail in the course of last autumn a dreadful state of crime in Ireland, making the life of every individual unsafe, driving men from the country, exposing them whilst they were going home from market or from any visit to be waylaid or assassinated from behind a hedge, and, in short, reducing the country to such a state that in a short time none of those who had been possessors of property, or who had anything to do with property, down to the smallest farmers, felt that they could safely inhabit the country. We introduced a Bill which I do not think interfered with the ordinary enjoyments of the people of Ireland, which had not the objection I have heard taken to Acts passed at various times, of confounding the innocent with the guilty—which left the innocent in the possession of every privilege they could enjoy, but provided means of deterring those who were guilty of crime. I rejoice to say that the last accounts we have received of crime in Ireland tend to show that a great change has taken place in the condition of that country. I find with respect to the whole amount of crimes of violence, that in April, 1847, they reached 2,109, and in April, 1848, they had sunk to 1,196; the homicides in April, 1847, were twenty-four; in April, 1848, they were only nine. There are some other instances which are not a little remarkable, Crimes of firing at the person diminished from nineteen in April, 1847, to three in April, 1848; the crime of demand or robbery of arms diminished from sixty-seven in April, 1847, to twelve in April, 1848; the offence of appearing in arms, from sixteen in April, 1847, to seven in April, 1848; and several other crimes in the same way have diminished very greatly. Even in the last month the diminution has been from 1,429 to 1,146. I should certainly not omit to mention that in two of the proclaimed counties, Queen's County and Roscommon, there were no offences against the person reported in the month of April, 1848. I say, then, that whatever language may have been used against the Government for having introduced the Bill carried through this House before Christmas, it is a great satisfaction to me to have been instrumental in passing an Act, of which the consequence has been to afford greater safety to life, and to enable men to carry on their business in that country without the continual apprehension of barbarous murder. Again, Sir, we introduced very lately a measure for the better security of the Crown and Government of this country. That measure the hon. Gentleman very fairly said he had supported in its main features. The main features of that Bill, however, it must be recollected, were features of mitigation. Its main features were mitigations of the law of treason as it previously existed; but it also proposed to do that which no one could well object to. We said that if a measure of that kind were necessary for England, it was no less necessary for Ireland. If it were proper that we in England should be subject to such a law, it was no less fit that the Irish should be subject to the same law. That Act has been in operation but a very short time, yet its success is already very visible. Every one will remember that six weeks ago it was impossible to read any of the accounts from Ireland without seeing that men making a great bravado of their courage, with great emphasis, with great demonstration of what they were about to do, declared that their intention was to make war against Her Majesty and Her Majesty's troops, and to sever Ireland from its due allegiance to this country; and they spared no kind of invective against not only the Crown and the Government, but against the people of England. But, Sir, it has appeared lately that these persons, although they spoke in this way, did so very much because they were in Dublin under the security of that very Government which was the subject of their attacks; and it did happen that when the commander of Her Majesty's troops had not forces immediately at his disposal, in order to protect the persons of some of the worst of those would-be traitors, it appeared that their persons were in danger — not from Her Majesty's troops — not from the police—but they required the assistance of the troops and the police in order to save them from the consequences of those harangues and writings in which they had indulged. But it now appears that these very persons who were so willing a few weeks ago to submit to the penalties of high treason, who declared that either they must put down Lord Clarendon, or Lord Clarendon must put them down — it appears these persons have entirely changed their opinions; it is now the most mitigated treason — the most milk-and-water sedition; it is now so weak a mixture of treason and rebellion it has become quite flat to those whose appetites had been spoiled by the very high diet which had been administered by those persons. Well, then, I say, with regard to that Act, which met so much opposition in this House, that it has been very useful for its purpose, and has had the effect of a good deal curbing this very inflammatory and dangerous language; and, at the same time, I will venture to assert, that it has not diminished or curbed the proper liberty of discussion in Ireland of any measures of the Government. I will venture to say that if any one really wished to discuss the measures of the Government, whatever fault might be found with them—whatever epithets might be applied to their conduct—he would be as fully at liberty to do so now as before the Act was passed. He must keep within certain limits—he must not, of course, use seditious language. Such was the law before the Act passed; such is the law now. Well, then, we come to the Bill now before the House. I certainly cannot speak very confidently of the facts, though, at the same time, my right hon. Friend the Secretary of State for the Home Department gives me reason to think that it already appears, if this Bill be passed, that it will have a beneficial effect. What I wish to do now is, to disclaim its being intended against any particular Government, or any particular nation. It is quite untrue to represent it as at all against the French Government, or against the people of France. With respect to the Government of France, I am sure that we have all of us reason to recollect with the strongest feelings of admiration that in a moment of great peril, when no one could say what might be the fate of the members of the Provisional Government, the next day, one of the members of that Government, M. Lamartine, held language to the Irish deputies who went to Paris for very questionable purposes—language which, while it exposed him to the assaults of any ruffians who wished to carry terror and insurrection into this country, was most honourable to him as a man, honourable to him as a Minister, and showed that, whatever might be the risks to himself, he really had at heart the maintenance of amicable relations between these two great countries, whose amity and friendship are of such benefit to the world—whose discord and whose quarrels are full of the greatest calamities to all. I think, however, that after what has happened in different countries on the Continent—after the rapid succession of revolutions we have seen — in the uncertainty that at present prevails—it is right, it is wise, to take precautions against contingencies that may arise. I sincerely trust these contingencies may not occur. I sincerely trust that those who wish to destroy all order, to put an end to all property, and to found the future condition of the world perhaps on some dream of philanthropy, but more probably on some plan of plunder, will never gain the ascendancy either in France or Germany; and that we may not have to dread the evil of the presence of their emissaries amongst us. But still I do think that in the present state of Europe it is wise to take some precautions against the occurrence of such events. I am sure I shall be quite relieved, I shall feel it a great satisfaction, and I have no doubt the whole House will concur in our feeling of satisfaction, when we can say that it is no longer necessary to bring forward any measure of restriction—that our course for the future will be only to consider measures of relief and improvement. We feel, as the House in general will feel, that it is an irksome and painful task to have to bring forward measures like this; but, at the same time, the peace of the country is committed to us — the business of Administration from day to day in the present state of the world is a most responsible task — and, while we feel it necessary to bring forward these measures, we shall do that duty. I most sincerely hope that the present is the last measure of its class that we shall have to introduce, and that the ordinary application of the ordinary laws may be sufficient henceforward to preserve the peace of the country. The hon. Member for the West Riding of Yorkshire has pointed out the course which he thinks the Government ought to pursue, in order to conciliate the affections of the people of this country. With regard to the measures which he has alluded to, we shall have occasion to express our opinions on them when they are brought forward for our consideration by the hon. Member for Montrose and other Members of this House. For my own part, I cannot bring myself to believe that the representation of the people of this country is in such a state as the hon. Member seems to imagine that it is. Without now pausing to discuss whether this House be properly formed or not, whether there ought to be such a number of small boroughs, or whether all enjoy the franchise who ought to enjoy it—questions which it will be well to consider on a fitting occasion—I will say that it is my belief that this House, since it met in November, has pursued a course which commands the sympathy and approval of the country. I believe that the votes of this House and the majorities by which they were carried, have not been owing to any peculiar state of parties, nor do I think that they have unfaithfully represented the opinions of the majority of the people. Neither can I think that the reduction of the royal expenditure, the taking away of what the hon. Member for the West Riding of Yorkshire calls "the barbarous pomp of the Crown belonging to past times," and diminishing the appendages of royalty, are the methods whereby Government or this House could succeed in conciliating the general feeling of the people of this country. I believe myself that the people of this country are thoroughly and strongly attached to the institutions under which they live. I do not know that there ever was a time when I perceived such strong evidence of devoted attachment to the Crown of this country. I know that the conduct of the Illustrious Person who now occupies that Throne—that the example given by the Sovereign of this country in every relation of domestic life, and in the discharge of every constitutional duty—have met with that reward which they merit in the confidence and affection of Her people. I do not believe that that which is necessary for the maintenance of the royal office —that which I admit is not necessary for the comfort or requirements of the Sovereign herself, but which is necessary for the due maintenance and dignity of the royal office—is at all grudged by the people of this country. I believe that they wish our institutions to be maintained; and I do not think that any changes that we could propose which would risk or impair those institutions would meet with the approbation of the people. I believe that we should be acting in a manner contrary to their wishes if we were to embark on a sea of speculation—setting everything afloat, and making it doubtful what the future constitution of England is to be. I think that whatever may have been the necessity for violent changes in foreign lands, all classes in this country, from the highest to the lowest, see the advantage of a system of well-regulated liberty, and understand that order and peace tend to the welfare of the working classes quite as much as to the prosperity of all other grades in the community. I believe that the example of peace and order which has been recently afforded has not been lost on the population of this country. They have too much good sense, too much reflection, to believe in many of the idle stories which are put about. Whatever proper retrenchments can be made, let us make them. They are due to the state of our finances—they are due to the state of suffering in which unhappily many of our people are placed. Let every kind of economy that can be safely practised, be practised; let every amendment of taxation that can be well carried into effect, be carried into effect; but let us not imagine that by shaking any of the great pillars of the State, or disturbing the basis on which the constitution of this country rests, we shall be doing good to the country. Above all, let us not be ambitious of the immediate and vile purpose of winning a little applause at the expense of our duty to the State.

Pinney, W.
Power, N.
Powlett, Lord W.
Rice, E. R.
Romilly, J.
Rushout, Capt.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Shafto, R. D.
Sheil, rt. hon. R. L.
Sibthorp, Col.
Smith, J. A.
Somerville, rt. hn. Sir W.
Spooner, R.
Stafford, A.
Stanley, E.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, J.
Talfourd, Serj.
Thesiger, Sir F.
Thicknesse, R. A.
Thornely, T.
Tollemache, hon. F. J.
Tollemache, J.
Turner, E.
Verney, Sir H.
Walsh, Sir J. B.
Ward, H. G.
Watkins, Col.
Wawn, J. T.
Wellesley, Lord C.
Willcox, B. M.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wyld, J.
Yorke, H. G. R.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Blewitt, R. J.
Bright, J.
Cobden, R.
Crawford, W. S.
D'Eyncourt, rt. hn. C. T.
Ewart, W.
Forster, M.
Fox, W. J.
Gardner, R.
Gibson, rt. hon. T. M.
Greene, J.
Henry, A.
Kershaw, J.
Lushington, C.
M'Gregor, J.
Meagher, T.
Muntz, G. F.
Pilkington, J.
Salwey, Col.
Scholefield, W.
Smith, J. B.
Stuart, Lord D.
Sullivan, M.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Urquhart, D.
Walmsley, Sir J.
Williams, J.

TELLERS.

Hume, J.
Mowatt, F.

Bill read a third time and passed.

TITHE RENT-CHARGE RATING BILL.

MR. G. A. HAMILTON stated, that as the right hon. Baronet the Secretary for the Home Department had permitted him to introduce the Bill of which he had given notice, relating to a most important subject, and designed to remedy an injustice and grievance of no ordinary magnitude, with the understanding that by permitting it to be introduced, the Government was not to be considered as pledged hereafter to support it, unless on consideration that they should approve of it, he (Mr. Hamilton) without further observation, and reserving the discussion for the second reading, would move—

"That leave be given to bring in a Bill to alter and amend so much of the Act 1 & 2 Vic., c. 56, as relates to the mode of making Tithe-Rent Charge in Ireland liable to Poor-Rate poundage; and, also, to empower the Ecclesiastical Commissioners in Ireland to allow poundage deducted from ecclesiastical persons on account of Poor-Rate, among the deductions from the Valuation of Ecclesiastical property, directed to be made under the Act 3 and 4 Will. IV., c. 37, for the purpose of a certain Tax thereby imposed upon such property in Ireland."

PUBLIC HEALTH BILL.

On the question that the Speaker leave the chair for the House to go into Committee on the Public Health Bill,

COLONEL SIBTHORP said, he had no wish to throw any unnecessary obstruction in the way of the Speaker leaving the chair, but as the Attorney General had informed him in the lobby, during the recent division, that the Bill had been so modified that the principle of centralisation to which he objected was almost entirely abandoned, as well as the proposal to appoint a numberless host of inspectors, he wished the further progress of the Bill delayed till the Bill with its new modifications was reprinted.

The ATTORNEY GENERAL admitted that, in concert with the hon. Member for Warwickshire, he had urged the hon. and gallant Colonel not to oppose the Speaker leaving the chair; but the hon. and gallant Member was quite mistaken in supposing that he had stated what he had just attributed to him respecting the extent of the alterations in the Bill.

COLONEL SIBTHORP said, that all he wanted was to know what the alterations really were; and for this purpose he thought it was a most reasonable proposal to have the Bill reprinted. He was very much disposed, therefore, to take the sense of the House against the Speaker leaving the chair at present.

MR. JOHN STUART begged to take that opportunity of stating that, having in the course of the former debate on this subject attributed the authorship of a certain pamphlet to Mr. Chadwick, he had since learned that that gentleman entirely disavowed its authorship; and he thought it due to Mr. Chadwick to state that he had been mistaken in his supposition. He believed it was perfectly true that the opinions contained in that pamphlet were the same as those which Mr. Chadwick was understood to have advocated; but in referring to those opinions he had no wish to speak disrespectfully of that gentleman, although he did intend to blame the Government for being guided by him.

VISCOUNT MORPETH begged to state to the hon. and gallant Colonel (the Member for Lincoln) that in Committee he would be ready to state the modifications he intended to propose in the Bill; and when they came to the clauses which were affected by these modifications he would then move that the clauses as amended be printed.

MR. FREWEN said, no doubt many hon. Members were aware that not very distant from that House a most malignant fever had been going on for some time. Two persons had already died of it, and Westminster School had been broken up. That fever had, it was stated, arisen in consequence of the Dean of Westminster, who was one of the Sanitary Commissioners, having conveyed some composition, of which he (Mr. Frewen) was ignorant, into the sewers, for the purpose of preventing fever and infection; and a medical man of very great experience had informed him only that morning that if these sanitary improvements were persevered in, the doctors would very soon make their fortunes. These were things that ought to be taken into consideration. There appeared to be amongst hon. Members a general feeling in favour of some measures of sanitary improvement; but he objected to this Bill on account of the centralisation system which it involved. A similar measure was brought in last Session, and, after having occupied a considerable time in discussion, was at last withdrawn. He thought that one more simple, resembling that of the year 1832, at the time of the cholera, would be more favourably received, and might be passed in a short time.

SIR. C. BURRELL believed, that the statement made by the hon. Gentleman who had just spoken was well founded, and he thought it was worthy of consideration how far the disinfecting fluid of which he had spoken could be used with safety and benefit.

House in Committee.

VISCOUNT MORPETH said: When the hon. Member for Oxfordshire, in the discussion on the Motion that the Speaker do leave the chair, in order that the Bill might go into Committee, had expressed his general views in rather a cursory manner, I stated that I could not undertake to pledge myself that I should be prepared in Committee to assent to the various suggestions which he had made. Since that time, the hon. Member has been good enough to favour the Government with a statement of the alterations which he wishes to introduce; and as I recognise, on the part of the House generally, an unaffected sympathy in the real objects of this Bill, and a wish to carry some practical measure into effect—as I think the hon. Member for Oxfordshire is one who pre-eminently shares in that feeling; and, above all, as I look upon the suggestions he has made as embracing a considerable improvement and advance in the present state of the law, including in themselves great positive and immediate good, and laying the foundation for much public improvement henceforwards—Her Majesty's Government, after due consideration of those Amendments, have thought it expedient to acquiesce in them so far as their general effect is concerned. I say, for myself, that I have on all occasions invited the attention of the House to this subject, with a simple desire to promote some good practical legislation, and I care for this a thousandfold more than I care for any credit which might attach to us on account of positive adherence to our original intentions. I will briefly state those suggestions of the hon. Member, to which we are prepared to give effect. As the Bill stood, it was proposed that one-fiftieth of the rated inhabitants must make application before any inquiry could take place. I felt, indeed, that as regarded large places, that proposition might appear ridiculous; but as I hoped that this Bill would apply to small places as well as large, and as I did not know the boundaries of the several places to which it would apply, I thought it necessary to propose a number which would not exclude any place from the benefit of this measure. I think, however, that this difficulty may be provided for. We are prepared, therefore, to agree to the following:—When one-tenth of the rated inhabitants of any corporate city, town, or place, with ascertained and defined boundaries, makes an application, inquiry shall take place in the manner prescribed by the Act. If it is found expedient to add any further district to the town or place, inquiry shall take place with the same regularity. When it is not proposed to include any new district, or to interfere with any local Act, the general board shall proceed, as in the Bill, to submit a report, which shall be applied to the district by Order in Council. When a district is included, or a local Act is interfered with, the general board are to frame a provisional order, which is not to be applied to the district till it has received the sanction of Parliament. The matter will not be referred to a Committee upstairs, or be made the subject of a private Bill; but a public Act of Parliament will be provided to meet the case.

Mr. HENLEY could only express his thankfulness to the noble Lord for the kindness with which he had taken into consideration the suggestions he had ventured to throw out, giving thereby the best evidence he could give of his great anxiety to make this a good practical measure, and one that would be beneficial to the country. This was not a question that any of them could care from which side of the House it proceeded. They could have but one common object, and that was to render a measure of this sort, surrounded, as it was, by all kinds of difficulty, such as would be useful to the country.

Viscount MORPETH said, he could state, on accurate information, that there were about 300 towns in England without any local Acts. Where there was such an Act it was not intended to interfere with it by this Bill, without an Order of Council, coming under the knowledge of the House, and an Act of Parliament applying to the place in question. Where there was no such local Act, the Queen in Council was enabled to apply this Bill.

Mr. HUDSON said, he knew not what were the Amendments proposed to be made in the Bill; they should be printed, and the Chairman had better report progress.

Lord G. BENTINCK wished to add his request that they should see the Bill reprinted. He had himself given notice of several Amendments, and he could not tell how they would stand after the Bill had been remodelled upon the wise advice of the hon. Member for Oxfordshire. That hon. Member had proposed to strip the Bill entirely of its old machinery, and to give it a new machinery, founded upon the Bill of the noble Lord the Member for Falkirk; and he thought he asked nothing unreasonable in asking that the Bill should be reprinted.

The CHAIRMAN put the Interpretation Clause.

Colonel SIBTHORP moved that the Chairman report progress.

Mr. SLANEY complained of the delays thus interposed. Every concession had been made, sufficient to satisfy those who desired to see such a measure carried, though they might differ as to the mode, and he grieved to think that these obstacles should be offered.

Lord G. BENTINCK had no objection to going on in the dark, if they pleased, if the noble Lord the First Minister of the Crown would get up and explain how the Bill would stand in its new shape. He wished to have the opinion of that noble Lord upon the subject.

Sir R. H. INGLIS said, on a question of social policy, in which the hon. Member for Oxforshire co-operated with the noble Lord the Chief Commissioner of Woods and Forests, he was bound to say that he had more confidence in their united opinion, than in the opinion even of the hon. Member (Mr. Hudson) who had just cheered; and when his noble Friend the Member for Lynn said he wished to hear the opinion of the noble Lord the First Minister of the Crown, as to how the Bill would stand with reference to particular clauses, he said, Wait until those particular clauses came on. Concurring in the general prinple of the Bill, he would not delay its progress by another sentence.

Lord J. RUSSELL thought the course proposed by the Government not an unreasonable one. They did not propose that the Committee should at once assent to the clauses which would be effected by the alterations adopted by the Government; but they proposed that such clauses should stand over, and that the alterations should be printed. Those clauses were few in number, and there was nothing to prevent the Committee going on with the other clauses of the Bill.

Motion for reporting progress withdrawn.

Clauses to the 5th disposed of.

House resumed.

Committee to sit again.

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, May 12, 1848.

Minutes.] *Took the Oaths.*—Several Lords.

Public Bills.—1ª Petty Bag Office.

Petitions Presented. From several Charitable Institutions, praying to be Relieved from the Payment of Legacy Duty on Bequests made to them.—From Hereford, Leeds, and several other Cities and Boroughs, in favour of the Jewish Disabilities Bill.—From the Clergy of Southampton, and several other Places, against the Jewish Disabilities Bill.—By the Earl Fitzhardinge and Lord Beaumont, from the Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, and the Ancient Order of Foresters, praying that the Provisions of the Benefit Societies Act may be extended to that Order.—From a Number of Tradesmen, Mechanics, and Others, for an Alteration of the Poor Law, in order to Relieve the Present Condition of Agricultural Labourers.—From Lancaster, Great and Little Eccleston, and a Number of other Places, against the Sale of Intoxicating Liquors on Sundays.—From Ross, that all Post Offices may be closed on the Lord's Day.—From the Kirk Session of the Parish of North Bute, against the Marriage Bill (Scotland).—From the Commissioners of Supply of the County of Lanark, against the Registering of Births, &c. (Scotland) Bill.—By the Earl of Galloway, from the Elders of the Synod of Lothian and Tweeddale, against the Diplomatic Relations, Court of Rome, Bill.—From the Magistracy and Town Council of the Burgh of Tain, in favour of the Crown and Government Security Bill.

CRIMINAL LAW CONSOLIDATION AND AMENDMENT BILL.

Lord BROUGHAM:* Aware that I cannot bring before your Lordships the great subject which I have undertaken to discuss this day, without occupying your attention for a long time, I proceed at once, and without preface, to the task before me. It is true, that the matter is as important as it is extensive; and yet it is of so forbidding an aspect, of a nature so little attractive by any connection with party interests or personal feelings, that I am surprised, though doubtless agreeably surprised, to find so large an attendance of the House as I have now the honour of addressing. I should ill repay the honour you do me by trespassing longer upon your patience than is necessary. The topics I am to handle are, indeed, not at all of the class termed vital questions, of which it was once said, not more wittily than truly, that while they never failed to excite the greatest interest, their importance was so small, that it signified nothing at all what way they were determined. Those questions which I am now to discuss, are, on the contrary, of incalculable importance, how dry and even forbidding soever they be when in debate.

I shall now state why I have chosen this time for bringing forward the discussion, and in what order I propose to undertake it. Twenty years ago, being then a Member of the other House, I brought before it the whole subject of the law and its defects, only excepting from my view, for reasons which I assigned, the Commercial Law, the Criminal Law, and the Equitable Jurisdiction of Chancery. In consequence of the Address which I prevailed on the Commons to present, the Crown, under the advice of my noble and learned Friend near me (Lord Lyndhurst) issued a Commission to eminent conveyancers, over whom presided my noble and learned Friend opposite (Lord Campbell), and another Commission to common lawyers, most of whom are now on the bench. From the inquiries and reports of those learned and able individuals, resulted many highly important measures for the amendment of the law, measures in passing which I afterwards had a large share, from having subsequently succeeded to the Great Seal. The changes thus effected in our jurisprudence removed a large portion of the defects which I had complained of; and as the whole have not been removed, I feel that the time has now arrived for urging Parliament to finish the important work thus happily begun, as well as to embrace in its amending operations, cautiously and safely, though steadily carried on, those few branches of the subject to which my Motion in 1828 had not been directed. The past success naturally holds out this encouragement; the interval that has elapsed, too, enables us to tell by the experience afforded of our changes, how far these have worked well in practice; and we may conveniently and usefully now pause to decide, whether or not the measures adopted have been wisely framed, and whether or not we should go on in the same course. Such is my reason for now instituting this inquiry. The order in which I would arrange my statements, I shall now state, and I think I have distributed the subject in a manner which is at once distinct and exhaustive. I shall first consider law-makers—or who make our laws? Secondly. Law-making—or how do they make them? Thirdly. Law made—or what is the fabric of our jurisprudence? Fourthly. The promulgation of the law. Fifthly. Its Administration.

First, then—Who make the laws? How is our Legislature constituted?—that is, the representative part of it—of whose structure alone any consideration can arise. I do not mean even to touch upon the constitutional questions, but only the legal ones connected with this subject. But I cannot dismiss the political, without making a frank and candid admission, that the late experience of a neighbouring nation has materially affected the opinion which I had so long entertained against the almost indefinite extension of the elective franchise. We have seen Universal Suffrage tried upon an enormous scale, and in a country peculiarly ill adapted to the successful issue of that experiment: 10,000,000 of voters have been called upon to choose the deputies, who should represent them in a National Assembly, and the result has been almost entirely contrary to what the adversaries of such a scheme had ever predicted. The elections have been conducted with exemplary order, and the deputies returned belong to the classes of society, in whose hands legislative power may be the most safely vested. That a Parliament has been chosen which is very little likely to work well, and that under its sway France is doomed to the reign of uncertainty and even anarchy, may be quite consistent with what I have said of the elections; for this and the other evils now pressing upon that ill-fated country may be traced, and easily traced, to other causes—to circumstances now unhappily existing in the position of France, and the necessary result of its late revolution. But that the experiment of Universal Suffrage has been tried, and has succeeded beyond all expectation, truth and candour compel me to confess. I derive from hence the most sanguine hopes that many years may not be suffered to elapse before we too extend our elective franchise to the great body of our fellow citizens, who compose the labouring classes—the very source of our wealth, and the pillar of our strength as a nation—men whose virtues are equal to their industry—men whose steady attachment to the Government and its rule, bids defiance to all the attempts ever made to seduce them from their allegiance.

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* From a pamphlet published by Ridgway.

But if I pass over the qualification of electors, I cannot so easily part with the qualification of Members. How much longer is it to be endured that men shall be suffered to act the part of lawgivers, who set their creditors at defiance—that men shall represent the property of the country who have squandered away their own; that insolvents, unless they be traders, in other words, insolvents without any excuse for their insolvency, shall beard their creditors, the honest tradesmen, whom they have ruined, and insult the community by taking a forward part in making the laws which are to bind it, while they set themselves, openly and audaciously, in defiance of the very laws they are making? By an Act passed in 1812 (52 Geo. III. c. 96), introduced by my lamented Friend, Mr. John Smith, himself a trader, and within its provisions, we have excluded from Parliament all traders who have become bankrupt, and do not within twelve months pay their debts in full, and supersede their commission. Yet the trader thus dealt with has many excuses for his insolvency. The failure of others, the accidents of the winds and the waves, the acts of Government, over which he has very little control, or of foreign States, over which he has none; the frauds of customers, of the man in high station who obtains his property, and cannot or will not pay for it—all these things leading to the misfortune of bankruptcy, without any fault of the party, are, in most cases, an extenuation, and in many a defence for the trader, and yet we exclude him from the Legislature, on the ground set forth in the preamble to the Act—

> "That it is highly necessary for preserving the dignity and independence of Parliament, that Members of the House of Commons who become bankrupt, and do not pay their debts in full, shall not retain their seats."

But how would the preamble sound which should state in words the course of conduct we hold with respect to insolvent Lords and Gentlemen?—"Whereas it is highly necessary, for preserving the independence and dignity of Parliament, that those who run in debt with bankers, tradesmen, and others, without any means of payment, by extravagant living, by dicing, by horse-racing, by keeping of mistresses, and by various other devices of spendthrift and profligate men, and who cannot or who will not pay any part whatever of their just debts, should retain their seats in the House of Commons, and have a share in making those laws in daring contempt whereof they are living." To remedy so enormous an evil, and put an end to this outrage on all honest principle, and indeed on all common decency, I four years ago presented a Bill for extending to all insolvents the statute excluding the more innocent class of bankrupts; but I was not fortunate enough to obtain the sanction of the Legislature to that measure. I shall certainly again present it this Session.

Unable to pass over the Qualification of Members, I am equally compelled to speak of the arts used for obtaining their election—I mean the scandalous bribery and corruption practised in all the vile branches of that odious traffic in the consciences and souls of men. To this subject I have oftentimes directed the attention of your Lordships, and I have the happiness of thinking that we are agreed upon it. A stringent declaration of each Member, with a promise not to pay any expenses unlawfully incurred, and subject to the pains of perjury for a breach of truth, is the remedy to which I look as most efficacious and most suited to the nature of the mischief. I am happy to find that elsewhere this subject has been lately taken up with adequate zeal; and I believe wholesome inquiries are now instituting there for the purpose of detecting and punishing offenders. But I greatly doubt if an error has not been committed in some instances, from the desire to visit such practices on the sitting Members. It rather should seem as if Committees, led away by the natural indignation which the description of general corruption excites, have resolved upon convicting whoever was accused, without any regard to the material point of agency—thus punishing one man for another's offence.

This leads me to the last matter I shall dwell upon connected with the composition of the Legislature—the Constitution of the Tribunals which try the returns of Members, and the needful improvement of which would, while generally amending the course of such important procedure, tend more to repress bribery, by an equal administration of justice, than any efforts of a well-meant but irregularly directed indignation at the offence. The Commons parted with their exclusive jurisdiction over the trial of elections as far back as 1770, when the celebrated Grenville Act was passed (10 Geo. III. c. 16), one of the inestimable benefits conferred upon their country by that illustrious family. But experience has shown, that although many material improvements have been since made in the constitution of the tribunal, especially by the statutes diminishing the numbers of their Members, and doing away with the anomalous character supported by the nominees, yet another step remains to be taken in order to render the trial of petitions anything worthy the name of a judicial proceeding. It must be transferred to a judicial body, unconnected with the House of Commons, inaccessible to party claims, uninfluenced by personal feelings; a body not chosen accidentally for particular occasions, and composed of men without experience or learning, and acting without any responsibility—a body, in a word, which will act as judges act, regarding only the merits of each case, and pronouncing decisions on legal points, with a careful regard to consistency and uniformity; not as now, holding one day one opinion, another day the opposite, on the same point, simply because different men sit on several days, and diverse interests or feelings sway them. Some such amendment of the Election Laws as this must needs, sooner or later, be undertaken; for in no other way can the opprobrium be removed, which now rests upon the conduct of Committees, and the character of the House of Commons.

Second. From considering the makers of the laws, I pass on to their conduct in making them; and here a scene opens to our view at once strange and painful to contemplate. No system whatever, nothing approaching to systematic, is to be seen—all is random—all hap-hazard—all blind chance; all acting in the dark, without rule, or guide, or compass, or concert. The Bills propounded have a twofold origin; they come from boards or departments of the State: or they come from private individuals, whom without any disrespect I may term amateurs in legislation. But the boards, independent and separate, act without any concert, any communication whatever; one entirely ignorant what the other is doing; each proceeding upon principles of its own, if principles any of them ever think of; each taking its own views of the same subject-matter on which the other is composing law; each employing a phraseology of its own; all generally in collision and often in conflict. As for the amateurs' work it is worse performed, if worse can be; and the way in which the worthy dilettante is suffered to make our laws really merits attention, as showing how little care the State bestows on this important operation. I will give your Lordships an instance. In 1814 a learned person who adorned the coif, was minded to be placed upon the Bench of Wales. He conceived, and for ought I can tell, so might the Principality, that he had pretensions to judge the Welsh. The Ministers of the day held a different opinion; but as the Serjeant was their firm and faithful supporter, always being disposed to vote with them, and indeed with all Administrations, so considerable a merit must be rewarded, and as he was refused a Welsh judgeship, he was allowed by way of compensation to repeal the Statute of Apprenticeship. To make up for his professional disappointment he was to have the senatorial honour of giving his name to an Act for repealing an Act passed in the fifth year of the reign of Queen Elizabeth for regulating Apprenticeships. Now when we look to his Statute (54 Geo. III. c. 96), we find that it consists of only two sections; but so inartificially is it drawn, so little care has been bestowed on a subject of such great importance, that there is appended to the second—a repealing section which professes to deal with all the provisions of the Statute of Elizabeth (5 Eliz., c. 4) from the 25th to the 30th—a query to which of the numerous matters in their several clauses the repeal is intended to apply; and I defy any one from comparing the two, to answer the question, or form a confident opinion on the subject. This amateur, however, was a lawyer; and we may well suppose how much worse fare the laws, and the courts required to construe them, and the subjects commanded to obey them, when country gentlemen are allowed to disport them in dealing with trespassers and poachers, and the various other subjects of their legislative labours; or when traders take up the bankrupt code, in a Bill to amend which I lately read a clause making death without naming executors an act of bankruptcy.

The result of all this habitual carelessness and want of system in the preparation of our laws might easily be foreseen. A mass has been engendered in which the obscurity of darkness alternates with the glare of cross light, meagre explanation with inexcusable prolixity, repetition with omission, repugnance with truism—a mass, which if it be not termed nonsense and contradiction, only escapes those epithets from the respect due to the venerable name of a statutory record. For, unhappily, the obvious principles which should guide the lawgiver in his labours, I mean the formal or mechanical part of his task, to which my inquiry is under this head of the subject confined, are neglected so habitually, that the value of these rules becomes the more sensibly felt from witnessing the consequences of their being violated. I shall first mention three such canons, and then illustrate their violation by examples. The propositions are almost self-evident; they require no demonstration. 1. A statute should never be made without a cereful regard to former statutes in *pari materia.* 2. One part of a statute should ever have regard to all its other parts. 3. Alterations made in passing a Bill should carefully be made having regard to the parts that are left unchanged. Now let us see how these plain rules are broken.

i. Statutes are made as if in ignorance of others before made, or other laws or customs before existing. In 1842 was passed the 5th & 6th Victoria, c. 29, which most properly swept away all former provisions giving double or treble costs, as in every way absurd, and indeed professing to do what in practice none of them did. One might have expected the memory of lawgivers to last at the least a couple of years—but no such thing. In 1845, were passed no less than three Acts, all giving double and treble costs, which my learned Friend the Chief Baron's Act had abolished universally, in all cases. I allude to the Lunacy Act, 8 & 9 Victoria, c. 27; the Trade Act, 8 & 9 Victoria, c. 23; and the Smuggling Act, 8 & 9 Victoria, c. 87—all three Statutes dealing with matters of great moment and all three Government Acts. Again, in 1843, was passed the 6 & 7 Victoria, c. 75, for regulating the Practice of Attorneys; and it threw open the court of the Lord Mayor of London to all practitioners—but this was plainly done in utter ignorance or entire disregard of the known custom, by which attorneys of that court purchase their exclusive right of practice at sums ranging from 3,000*l.* to 9,000*l.*, and the whole value of which the Court of Queen's Bench have found to be entirely destroyed by this careless enactment (Rex *v.* Ashmead). Nor were our predecessors much more attentive to the legislation of those to whom they had succeeded, little as they, in comparison with us, had to distract their attention. The great Game Act, 22 & 23 Chas. II. c. 11, was plainly made with perfect inattention to the first Game Act, 1 Jac. I. c. 27; for the statute of Charles gives the qualification to the eldest son and heir apparent of an esquire, or person of higher degree, saying nothing of the father, from whom the statute of James had withheld the right to kill game. So that the son is qualified because heir to a person not qualified, and yet the son's qualification is in respect and on the supposition of the father's, which does not exist. This was held by three Judges out of four in the King's Bench (Jones *v.* Smith) 1 T. R. 44—a remarkable case as being one of the very few in which during Lord Mansfield's time there was any division on that Bench. That great Judge was so much moved by this gross absurdity apparent on the face of the statute, as to hold by and stoutly contest that it included the esquire himself; but he of course yielded to the majority of his brethren, and the law was declared as I have stated it.

ii. But though the lawgiver does not remember former statutes, he might at least be expected to recollect while passing one part of the same Act, what he had just been doing in the preceding portions. No such thing—one part of a statute is made without regard to the other parts of the same statute. The sixteenth section of 3rd Geo. I. c. 15, states in its preamble, the fitness of taking away the Sheriff's poundage in extending an estate under a writ of elegit; the process, as your Lordships are aware, by which lands and tenements are partially seized by creditors to satisfy their debts out of the rents and profits. But though this is one of the main objects of the section, the word 'elegit' being by a curious infelicity wholly left out of the enactment, the Sheriff has been held entitled to his poundage, though the blunder was so gross that those before whom the matter came seemed at first to suppose it must be a mistake in the printing, and desired the original record to be examined. In that record the omission is found to exist. Price *v.* Hollis, 3 M. & S. 105. Here our ancestors forgot the preamble in the five or six succeeding lines. We have somewhat improved in our legislative memory, for we only forget what we said three sections back. By the Highway Act of 1842, 5 & 6 Vic. c. 50, in section 95, costs are given to be paid by a rate; in section 98 all this is forgotten, and they are directed to be paid by the party unsuccessfully defending.

iii. Now we come to errors which no care in preparing the Bill can prevent—I mean the making of alterations during its passage through Parliament, without regard to the parts left unchanged. Take for an instance the important Act of 1845, 8 & 9 Vic. c. 113, for allowing copies of documents to be given in evidence; it had in this manner an addition made during the passage of the Bill, apparently for greater caution, and the result is to make such nonsense of the whole that no man can tell how to apply it. The words added are, "in every case in which the original could be received in evidence"—but the section had before been confined to those cases only in which the originals could be given in evidence. Here the Legislature bears the aspect not of a doating person, who forgets in old age recent events, not recollecting one day or one hour what he had said the day or the hour before; but of one who being in the very last stage of mental imbecility, forgets at the close of his sentence what he had said at its commencement.

iv. I come now to the Diction—the words used in framing our statutes—and here the cardinal rules are as plain as those I have already stated, and they flow from the simple principle of keeping in mind to whom all laws are addressed, not only the lawyers and the courts of law, but the people.

1. Always use the least equivocal and the plainest terms.

2. Never use a word that has two senses without defining in which it is used.

3. Never use the same words in two senses.

4. Never use different words in the same sense.

5. Never assume as known what has not been expounded.

6. Never, if possible, enact by reference to another statute.

7. If, to avoid great prolixity, you must import one, regard carefully the text of the Act referred to.

Only see, my Lords, in what daring neglect of all these rules we lawgivers live! I will take from a single Session my example of the very different forms we use to express the same things, the Session 1844, the 7th & 8th Vict. — and the three most ordinarily occurring clauses are those which I select: First, the provision that the Act shall be a Public Act, is framed in four several ways, and to the effect of making it even somewhat doubtful in some of them whether the Act must not be specially pleaded. Second, the clause now inserted in all Acts to avoid the consequences of the fiction that all chapters of a Session are parts of the same Act, and pass in one day—the clause allowing each to be altered the same Session: this is framed in no less than eight different ways. Thirdly, the repeal of other provisions; a most important enactment, and fruitful of litigation and of doubts in courts of justice, is effected in twelve different ways. So that these three objects, instead of being accomplished by three forms of expression, require four-and-twenty. I have given all the Acts to which I refer on this head, in a paper which I now lay on the table, in case any of your Lordships would see the details.

But worse remains behind. In 1846, an Act was passed of a highly important kind, to amend the poor-law, 9 & 10 Vic. c. 66. If any piece of legislation demanded peculiar care in its composition, it was surely this—yet the words employed were "is" and "was"—now, "shall be," then "may be," and "may have been;" again, "shall have been"—the changes rung on the unhappy substantive verb from the present to the future, the potential, the pluperfect, to the confusion of the sense, and the bewilderment of the more unhappy Judge, have ended in making it wholly impossible to discover whether the

Act is prospective only, or retrospective as well; and what is the consequence? No less than three-and-forty cases are now pending upon this construction of a statute passed less than two years ago. So, on the same important subject, it was the Legislature's design to give an appeal on all cases upon the merits, only shutting out from this review those upon matter of form; yet so ill contrived is the provision, that a learned Recorder, presiding over one of the greatest towns in this kingdom, informed me only this morning that in ten years he has only known two appeals brought.

The use of different terms to express the same thing, I have already illustrated by sufficiently striking examples. The same term used in different senses is as fruitful a source of difficulty and doubt to the subject and to the courts. Thus the word "licenses" being used both for ale and spirits, and with the Justices and the Excise granting both, gave rise to much obscurity, as the Court of Queen's Bench found to its sorrow, and the parties to their heavy costs, in Rex *v.* Downes, 37. R. 569.

The use of undefined expression is a yet greater fault of the same kind, and fruitful in evil consequences. Take, for instance, the litigation occasioned by the Act of 1843, 6 & 7 Vic. c. 36, exempting from rates "societies for science, literature, and the fine arts," and see what the Judges say who had to construe these unexplained terms in Rex *v.* Pocock, 8. L. Queen's Bench, 740; Rex *v.* Phillips; Rex *v.* Jones, ib. Lord Denman, C. J., observes that it is "impossible not to express regret that such loose language should have been employed. There is hardly," says his Lordship, "any society respecting which doubts might not be raised." "All which," he adds, "show how great hardship is imposed on the court, on parishes, and on societies. The natural meaning of the words would point to the very institutions least requiring exemption, those consisting of wealthy members." "I only hope," he adds, "that we may have some enactment made to show us what Parliament really does mean." Mr. Justice Patteson and Mr. Justice Williams entirely concurred with his Lordship, and all seemed agreed in considering that the decision they were compelled to give, frustrated the probable intentions of the Legislature.

The errors produced by incorporating former provisions in the way of reference, are endless. Thus in 1835 the 5th & 6th Will. IV. c. 76 was passed, and it gives an appeal, not directly, but by reference to the 55th Geo. III. c. 51, the result of which has been the taking away the right of appeal intended to be given. Lord Denman, Rex *v.* Recorder of Bath, 9 Ad. and El. 837, in so ruling, said, he saw what was meant, and had to lament that the Legislature should have proceeded by way of reference to another Act, instead of declaring its meaning at once and directly. I have preferred giving such examples as are more recent and of more ordinary occurrence, rather than the old one of a clause cut out by the scissors, the great legislative agent in modern times, whereby the punishment of fourteen years' transportation was awarded—one moiety going to the person suing for the same, the other to his Majesty, his heirs and successors. But one effect of such operations is of more frequent recurrence; the word "said" or "aforesaid" is often used when nothing has been previously said. Whoever has answered many cases will at once recognise the puzzle this creates.

Hitherto we have been observing the effects of carelessness in matters which did not seem to call for special attention; but it is still worse where the Legislature applies itself in a peculiar manner to the performance of its task, and particularly to the duty of making itself intelligible, that its failure is signal and lamentable.

v. For I now come to that famous freak of modern lawgivers, the Interpretation Clause. Its assumed office, its pretension, is to prevents all doubts by precisely declaring the sense in which words are used. Its actual result is the creation of fresh doubts, the failure in most difficulties to clear them away, and the inevitable carelessness which it encourages in drawing the statutes as well as in passing their provisions. This has become a very serious evil. For instead of weighing well the words employed, and taking constant care to preserve accuracy and uniformity of expression, all draughts are carelessly made to save trouble, in the expectation that everything will be cured by the Clause of Interpretation. Thus, in 1844, an Act was passed requiring Joint Stock Companies to register their shareholders. 7 & 8 Vic. c. 110. The 26th section, which standing alone would perhaps have been clear enough, refers you to the Interpretation Clause, or rather clauses; for, with a marvellous absurdity, there are two and not one such, and you arrive at section 2, which, as Mr. Baron Alderson showed in Young *v.* Smith, 15. M. and W. 121. raises the whole difficulty; for instead of saying that a Joint Stock Company shall be understood to be one, the stock of which is divided into shares, it adds an exception, whereby you are referred back to the rest of the Act, and thus all companies requiring Acts to work them, are exempted from registration. Bousfield *v.* Wilson, 16. M. and W. 185. Here let us pause to consider the utter absurdity of introducing an exception into such clauses—they are truly definitions; and who ever heard of an exception in a definition? When Euclid describes a triangle to be a figure of three sides or three angles, we understand him, and can reason upon the figure's properties. Had he defined it to be a figure of three sides in all cases, unless where the context required it to mean a figure of more sides, or to mean a figure bounded by one straight and one curved line, we should have been continually at a loss in our reasonings, and the name of that celebrated geometrician would certainly not have come down to us as designating the first of didactic writers, or his work been regarded as the most perfect model of perspicuous explanation. The various ways in which these exceptions are framed by our legislative Euclids further give rise to great embarrassment. Thus, "unless another sense plainly is shown by the context, or by some positive enactment to the contrary." Now, subtle men like lawyers, will very readily deny that the other sense is plainly shown, or by positive words, or to the very contrary, though they may admit that there are some conflicting words. Again, in 7 & 8 Vic. c. 15. (1844), "unless otherwise specially provided, (it is not even said where) or the subject or the context be repugnant;" while no definition is given of what is special, or what is subject. Further, in 7 & 8 Vic. c. 122, s. 70, we are told that this Act is to be "construed beneficially to creditors, and by analogy to the laws in force relating to bankrupts, and the practice thereof;" while I really should like, for curiosity sake, to know how laws shall be construed by analogy, what laws are in force relating to bankrupts, and, above all, what is the practice of those, or indeed of any laws. No less inconsistent with the nature of such clauses is the practice so prevalent of borrowing into one from another Act framed with different scope; and a fruitful source of error as well as of considerable absurdity does this practice prove. Last year the General Act for giving Town Police Clauses passed, the 10 & 11 Vic. c. 89., and as this was to be the model statute by which all subsequent Police Acts were to be guided, we might expect it to have been carefully drawn, and not concocted by the scissors merely. Well, let us see how the interpretation is given in the third section. Cattle is defined to mean horses, mules, sheep, goats, swine; but not a word is said of oxen or cows, and yet an overdrove ox was a much more likely visitor of a town than a goat, or even swine. My respect for the drawers of such Acts, will not permit me to remark on their omitting also any reference to another animal, found in town as well as country, asses.

vi. We have thus seen that the Legislature departs the further from clearness and precision in proportion as it is minded to employ more strict and entire attention to its task, and that it is never so little explanatory as in its explanations. But where the subject is such as to require undivided attention—where all doubt is out of the question — where it says exactly what it means — where what it does is perfectly of purpose and forethought, and is wholly designed and intended, we shall see such things as raise its mere slips into a respectable position for accuracy and sense. We have been contemplating the lawgiver's skill in definition—his powers as logician—no less eminent is he as a natural philosopher and a mathematician. The 35th Geo. III. c. 114, was passed in 1795, for regulating the Glass Duties. It speaks of plate-glass unpolished, and plate-glass unground, apparently without the knowledge that no polished glass can be unground. But letting that pass, the preamble states that, "the regulations hitherto made for the glass duty, have proved ineffectual, and that new ones are become necessary." And the statute proceeds to order that all "annealing ovens shall henceforth be made in a rectangular form, with the sides and ends perpendicular and parallel to each other respectively." Now, if the form be rectangular, the sides must of necessity be perpendicular, that being the meaning of a rectangle. Moreover, the opposite sides must of equal necessity be parallel, if the adjoining sides be perpendicular. This is the nature, and the eternal nature of lines; and it would pass the power of Omnipotence to vary it. Yet the cautious Legislature, to prevent the possibility of that being done, which is thus absolutely and necessarily impossible, annexes a penalty of 100*l.* to the breach of the rule laid down—declaring that whoever shall do that which no power, finite or infinite, can accomplish, shall pay 100*l.* by way of fine. It sagely protects the eternal laws of mathematics by this pecuniary penalty—to be sued for by action of debt, bill, plaint, or information in any Court of Record. When we compare such feats of legislative care and diligence with the less marvellous exhibition of careless efforts, we may well say: *Mallem, mehercule illorum neligentiam, quam istorum pravam diligentiam.*

Hitherto we have been considering the manfacturing of Public Acts. The confusion of all principle, the gross errors at every step, and mischiefs of a far worse kind, are much more flagrantly conspicuous in the great department of Private Bill legislation. The importance of this manufacture is, however, exceedingly great; its extent is enormous. Thus in the year 1836, no less than 191 Private Acts were passed, filling about 9,000 folios. In twelve years 278 were passed for forty-five towns, or one for every two years on an average for each. Dublin obtained ten, Southampton twelve, Edinburgh and Glasgow twenty each, Liverpool twenty-three, or two a year. The parish of Marylebone since 1795 has had Acts made for it filling 480 folios, or half as much again as the *Code Civile* of Napoleon. The nature of the provisions in these Acts is yet more important than their bulk or number. They deal with private vested interests, and unquestionable legal rights, in every one instance and in every one provision. The reason, and the only reason, for passing each of them is, that the law of the land has protected some party whom it is desired to strip of his rights. This branch of law-making is truly transcendental; it is wholly occupied with transferring to one man the property of another; compelling persons to part with their estates for the benefit of others; breaking contracts already made; annulling settlements of estates; setting aside the wills of persons deceased; dissolving the tie of marriage, by law indissoluble; abrogating laws made for the whole community in favour of some individuals, or against others. Such a branch of legislation requires of all others peculiar care, and close and scrupulous attention to avert error and prevent abuses; yet error flourishes and abuse triumphs here far more than in the construction of public acts. First, there is here no responsibility at all, not even that shadow of responsibility which the departments of Governments offer for public statutes. Secondly, the whole process is conducted in the dark, as a hidden manufactory; the public attention which through the press and by the debates of the two Houses, prevents many faults in Public Acts, has here no part, the whole being carried on in secret. Thirdly, worse than neglect, fraud and jobbing of every kind prevails. Once a clause was fraudulently introduced into a public or Revenue Bill to benefit a private party; it was instantly discovered, and the attempt frustrated. In Private Acts this is of daily occurrence. All is here done by compromise among a few parties, and the public is always disregarded, the weaker individuals and their rights and interests continually set at nought. Thus such provisions are to be found in Private Acts as could not be believed, did we not read them in the Statute-book. I recollect my noble and learned Friend behind me (Lord Lyndhurst) would not credit my statement, till I brought forward the Great Western Act, in which a clause is actually inserted, enabling the company to give a copy of its books in evidence, without any proof of the copy being accurate; but that is nothing; the company is also enabled to prove its having made certain large payments (the parish rates), by the entry in its own books that these same have been paid. Thus any one writing an entry, and entitling it a copy from the company's books, can prove its having paid the rates. Sir Samuel Romilly once stopped a Lincolnshire Poor Bill, in which he had accidentally found a power given to the master of the workhouse to flog the paupers at his pleasure.

The grievances arising from this manner of passing our statutes, public and private, are enormous. The errors and the frauds are never discovered, until the remediless mischief has occurred, and the courts are called to construe unconstruable clauses, and reconcile self-repugnant provisions, and the parties to suffer the hardships of oppression, and delay, and expense. Thus the fine of a shilling for not going to the parish church, lurked in the Statute of Elizabeth till, in 1841, five or six poachers were sent before the Lancashire Justices, who failed to convict under the Game

Laws. "Were you at church last Sunday?" said the worthy magistrates. "No." "Or the Sunday before?" "No; nor for five successive Sundays"—and forthwith all the poor men were fined and sentenced to pay costs, and in default of payment sent to prison, where they lay many weeks, when I presented their petition to this House, and they were liberated. But had I held the Great Seal, I should at once have removed the justices for this gross malversation. Thus bad clauses lie torpid like vipers, till, warmed to life by the heat of party, or personal malice, they sting some unhappy individuals. The instance lately occurred of an Act declaring an individual liable to pay the debts of a company to which he never had in any way belonged: he found himself thus made liable only when sued, and the court which tried the cause could not allow proof of his entire ignorance of the company and all its concerns; because the statute named him as answerable with others, and all of them being insolvent, he, the only solvent person named, was sued, and had judgment against him. The loss of time to Courts of Law and Equity is equal to the vexation occasioned to parties by this reckless system. But as the extent and bitterness of the mischief needs no proof, I shall shortly indicate what I take to be the appropriate remedy for preventing it in future, if we cannot hope to cure it in the past.

(1.) I have often urged the necessity of a board being formed of skilful professional men, not to supersede but to aid both Houses of Parliament, in the preparation of Public Bills. It is a task which no one man, how gifted soever, can hope satisfactorily to execute, because several men are required, of different habits of thinking, of various turns of mind, to sift the subjects successively dealt with in our numerous statutes. At the head of this board should be the Minister of Justice or his deputy. The necessity of this office I have repeatedly urged, and I may before I sit down once more recur to this subject.

(2.) The Private Bills should undergo another scrutiny. I am sensible that much has of late been done to improve the proceedings in Committees. In 1837 I had the honour of propounding a great and most salutary alteration in the Committees of this House; and after examination above stairs, the Standing Orders which I proposed were unanimously adopted by your Lordships; they have been found to work well, and, after some years delay, they have been adopted by the other House of Parliament. Yet I still am decidedly of opinion that we only took the second best of the three plans which I submitted to the Committee's consideration. By far the most effectual, and the best calculated both to prevent error and injustice, and to save delay and expense to parties, was grounded on the important suggestions of my noble and gallant Friend (the Duke of Wellington), made in 1834, and at that time worked out by me in conjunction with him. I am convinced that it afforded by far the best remedy. It is to have a jury *de medietate*, as it were, formed in each case—a joint Committee of twelve—seven Commoners and five Lords—to examine the whole of the Bill, to hear counsel, and take evidence, under the presidency of a Judge—a professional man, unconnected with Parliament altogether—the joint Committee to find a special verdict, setting forth the whole facts of the case; such verdict to be conclusive on both Houses, and to form the groundwork, in point of fact, of all their legislation in the matter of the Bill. I laid before the House, both in the last and in a former Session, a series of resolutions for working out this principle, and applying it to all Private Bills; and as I am clear that it is the only effectual remedy, so I have sanguine expectations of its being one day adopted.

(3.) Such subjects as are rather judicial than legislative, ought at once to be abandoned by Parliament, and given over to the established tribunals of the country. Thus Estate Bills are truly of a judicial character; Divorce Bills still more so; and a Committee of this House has already reported in favour of transferring these to the cognizance of the Judicial Committee of the Privy Council. Assuredly as the law now stands on this subject, nothing can well be imagined more unjust or more anomalous; the practice and the expense in both Estate and Divorce Bills may truly be said to give a remedy to the rich, and withhold it altogether from the poor. In making the transfer which I recommend, we shall not be acting without a precedent. The extension of patents has been, by my Bill of 1835, vested in the Judicial Committee, by a concurrent jurisdiction, of course, with Parliament; for no Bill can prevent Parliament from legislating on any matter whatever. But not a single instance has, I believe, occurred of a patentee applying to Parliament for an Act since the doors of the Privy Council were thrown open, and the Council's proceedings have given general satisfaction.

We have considered who make the law, and how they make it.

Third. Come we now to cast our eye over the result of their labours, and see what is the system of our jurisprudence thus formed, with a view to its amendment. That it is attended with many evils, gives birth to great vexation, involves the affairs of the community in lamentable uncertainty, imposes upon the citizens who live under it a heavy expense, cannot be denied. To take only the last item of expense. The amount of costs taxed in Equity alone was last year, 615,000*l.*, and the expense to the public of the taxation 13,500*l.* But two-thirds as much more must be added for the bills of solicitors, paid without taxing by their clients; and thus a million of money was spent in that department of the law.

The field over which we are now to glance is so extensive as to discourage any attempt at fully examining it. But I cannot help deriving great comfort from the success which has attended former attempts at improving it. The famous Commission under the Commonwealth, in 1654, presided over by Lord Hale, reported in favour of some fourteen changes in the law; and ten or eleven of them are now on the Statute-book. Between 1785 and 1790 Sir Samuel Romilly, as appears by his papers, proposed many legislative reforms, few of which he himself brought forward. Of these one-half had been adopted twenty years ago, when I brought this subject forward in the other House; and now almost all of them are introduced into our jurisprudence. Of above seventy defects whereof I complained on that occasion, about sixty have since been removed; nor were those slight defects, or those changes small innovations. I complained that party prevailed over the selection of Judges; and of late years, both while I held the Great Seal, and in the time of my noble and learned Friend (Lord Lyndhurst) who succeeded me, as well as while my noble Friend on the Woolsack has held office, no party considerations have been allowed to influence the selection of those high functionaries, any more than Sir Robert Peel had previously to 1828 been swayed by party considerations in naming the Judges of Scotland. I complained of the Welsh judicature: this has since been abolished, and the Principality subjected, as I recommended, to the same tribunals with the rest of the realm. I complained of the Court of Delegates: it was abolished by my Act of 1833—of the judicial system prevailing in the Privy Council: it was reformed by the same statute, and the Judicial Committee substituted for the trial of all appeals, both from the Consistorial Courts, the Court of Admiralty, and all our various and extensive foreign possessions. I complained of real actions, including fines and recoveries: real actions, with the the single exception of *quare impedit*, are swept away, and fines and recoveries altogether. I complained of many defects and anomalies in the Law of Evidence: these defects have been almost entirely removed by the admirable Act of Lord Denman, though one important step in the same direction yet remains to be taken by examining parties themselves. I complained of the period of limitation, especially of the suffering it to be interrupted by the duration of estates tail, and of the immunity from all limitation enjoyed by Church rights. The Acts of Lord Tenderden in 1829 and 1832, and those to which my noble Friend (Lord Lyndhurst) and I obtained the concurrence of Parliament in 1833, have removed those defects, so that now the opprobrium of the law exists no longer, by which rights might formerly have been enjoyed, as against the Church, for centuries, without the least security to the possessor, and by which, in one case, a large estate in the north, after being possessed for above a century and a half, and being made the subject of settlement, and sale, and mortgage, over and over again, was found to be the property of a mere stranger, in consequence of estates tail not having been determined, and no adverse possession having been had as against the reversioner. I complained that the Statute of Frauds had not been united with that of Limitations; and now writing is required to prevent the time from running.

I had complained loudly of the impediments to settlement by arbitration; this defect has been removed by the Act of 1833, as well as many others in our system of pleading, on which I had dwelt particularly in 1828. The cruel and unjust, as well as inconsistent and impolitic law of arrest for debt, of which I had also complained, has been entirely changed; arrest on mesne process was abolished by my noble Friend on the Woolsack in 1837; and my Acts of 1844-5 have abolished arrest altogether; Acts framed upon the principle which I propounded in 1828, that debtors should only be imprisoned for the crime of fraud or gross extravagance, or for refusing to give up their property to their creditors.

In branches of the law to which my Motion of 1828 had not extended, various improvements have likewise been made. It may be enough to recite the great mitigation of the Criminal Code, now as mild as it ought to be made; the allowing prisoners full benefit of counsel in felony, of which I at first doubted, but these doubts have by experience been removed; the improvement of the mercantile law, by the new Statutes of Bankruptcy; the law of insolvency which has generally been much amended. The arrears in Chancery have been got rid of by the additions made to that judicature, and many serious evils have been removed from the Master's office, where, however, not a little in the way of amendment remains to be done. The retrospect of the improvements which have been made during the last two centuries in our jurisprudence, and this view of the accelerated pace at which law amendment has of late years moved, is calculated to inspire sanguine hopes, I may say, even to give us the confident expectation of all being soon accomplished which it yet remains to achieve for the improvement of the system. We seem to have completely witnessed the truth of Lord Coke's famous dictum, so consolatory to the friends of human progress, so little resembling the general course of that great man's opinions and prejudices—that no good proposal for the amendment of the law was ever made which did not, sooner or later, bear its fruits. Encouraged, then, by the result of the view we have just been taking of the past, let us see what remains to be done in the same excellent career.

i. I begin with the Criminal Law. It has been made as mild, generally speaking, as can be desired. The restriction of capital punishment to treason, murder, and one or two other very grave offences, gives all the mitigation that is desirable to our penal jurisprudence. I am very clearly of opinion that we may here pause; I think, and I decidedly and on much reflection think, that there is no good reason for dispensing altogether with the punishment of death; I hold the doctrine, without any hesitation, that we have a right to inflict that highest of all penalties on malefactors, with the view of preventing a repetition of those crimes by others, stamping, as it were, with a peculiar awe those graver offences; and I hold that we have no other or better right to inflict punishment of an inferior kind, than the right which we derive from its high expediency—the same being the ground of our right to punish capitally. These opinions, I am aware, are not popular; I know that out of doors they will give rise to dissatisfaction; and it is therefore for the sake of truth, that I think myself bound to give them utterance in this place, and upon this occasion.

But I am as clearly of opinion that there are other matters in which our recent legislation has not gone far enough, and that it has even retrograded in some particulars. The punishment of fine is much too often awarded by the Acts continually passed to repress offences; and though I admit the advantage which probably has recommended it to lawgivers in most countries, the facility of apportionment by the amount of the punishment denounced being made according to the proportion of the pecuniary sum; yet I am sure a little reflection will show how very unequally this punishment falls on different parties guilty of the self-same offence. To one it is the payment of a trifle; to another it becomes a serious injury; to a third it is not fine at all but imprisonment; while to a fourth, a poor man, taken from his business for months, it is absolute ruin. Thus the Malicious Trespass Act, passed in 1820, at the suggestion of a worthy friend of mine, Mr. Nicolson Calvert, was one against which I always protested, especially in 1828, when I expressed my hope that he would survive the offspring of his legislative labours. Unhappily, he has predeceased it; and we have still on our Statute-book a law which punishes the same offence with a few shillings, or at most five pounds penalty in a wealthy man, and with six weeks' and even in some cases three months' imprisonment in a poor man. To suit the taste, too, of the sportsmen, who administer the law, the offences committed by gentlemen are excluded; for a proviso prevents the Act from extending to trespassers for hunting or shooting.

ii. The late Act on Evidence requires to be extended. Interest is no longer an objection to a witness's competence; and all the contradictions and anomalies of the law in this respect are by that most salutary amendment swept away. Then, why should not parties be examined at law, their interest being the only objection, and the Courts of Equity always examining them even before the late change? If it be said that this examination must be mutual, and that one party may be disabled by sickness, or absence beyond the seas, surely this difficulty could easily be got over by postponing the trial, or by excepting the cases of permanent disability. At all events, there can be no objection to examining both parties, where both consent to be heard upon oath, or to examining either, if the other consents to his examination without reciprocity. As for the old objection from fear of perjury, the late Act gets rid of that entirely at law, and it never at any time was allowed to prevail in Equity. Indeed, the practice always established, in all courts, legal as well as equitable, of allowing affidavits of parties, where there can be no check from cross-examination, sufficiently proves that the fear of perjury cannot be made a ground for upholding the exclusion. May we not now also extend to all contracts whatever the law requiring written evidence, unless where there has been part performance? I think we safely may.

The late improvement of the Law of Libel by the Act of my noble and learned Friend opposite (Lord Campbell) removes one of the complaints made by me in 1828; and carries into effect the object of a Bill which I twice brought into the other House, having had the invaluable assistance of the late Lord Chief Justice of the Common Pleas (Sir N. Tindal), in preparing its provisions, both in 1816 and 1830. I have to lament that the late Act leaves out the most important and, I think, most wanted part of the amendment which my Bill proposed; for it is confined to cases of private slander, whereas the political offence far more deserves mercy and protection. The truth cannot yet be given in evidence in any prosecution for libel upon the Government or its officers in their public capacity; and this I conceive to be a great defect still existing in our law.

iii. No branch of the law is more important or more interests the strong feelings of mankind than that relating to personal status—Marriage—Divorce—Legitimacy. It is of extreme importance to every one that there should exist no doubt whatever on the question whether he is married or single—legitimate or bastard; and yet the conflict which exists between the law of England and Ireland on the one hand, and of Scotland on the other, with the daily increasing facility of communication between the three countries, raises continually difficulties of the most distressing kind on these subjects. The validity of Scotch marriages, long ago settled by the cases of Crompton *v.* Bearcroft, in the Delegates, and of Ilderton *v.* Ilderton, in the Common Pleas, has entirely frustrated the provision of Lord Hardwick's Marriage Act, 26 Geo. II., c. 33, because the very parties whom that statute was intended to affect—rich heirs and heiresses—can be withdrawn from its operation by a journey to the Scotch border; and those poor people whom it had not in contemplation are alone bound by its provisions, because they cannot afford the expense of the journey to defraud the law. The Act has, indeed, this great defect, that it professes to do one thing and does another; professing to require the consent of parents and guardians before an infant can contract marriage, it only requires such steps to be taken as are likely to fail, for it only gives the parent or guardian notice of the intended marriage by banns published, which proceeding if taken in a parish where many banns are published, or in a remote parish, gives no notice at all. The possibility of a Scotch journey completes the defeat of the statute, and its defeat in the very quarter which it behoved to make the strongest. But the conflict is greater still, and its consequences more vexatious, as regards divorce. This has been well known to lawyers, and to some of the Members of your Lordships' House, ever since 1813. Lolly's case was then tried and determined. I was counsel in the cause at Lancaster, and afterwards argued it before the twelve Judges, when they held that a respectable merchant of Liverpool, who had been married in England and divorced in Scotland, and believing, according to the advice of the most eminent Scotch lawyers that his marriage was effectually dissolved, had married again, but in England, was thereby guilty of polygamy; and he was sentenced to seven years' transportation. Lord Eldon, then Chancellor, kept him two years in the hulks, in order, his Lordship said, to show clearly that such was the law—to show that the Scotch Courts could not validly dissolve an English marriage. The unfortunate gentleman was compelled as it were to teach this lesson of law in his own person; and such of your Lordships as, in precisely the same circumstances with respect to divorce, had taken the precaution of contracting the second marriage in

Scotland escaped all punishment. Yet see the result. All the Judges in Scotland hold the second marriage in Scotland valid; all the English Judges hold the divorce void. Then *quid juris* as to the issue of the second marriage? No lawyer of either country will venture to give a confident opinion upon their legitimacy, or upon the question whether the parents are living in the state of holy matrimony, or in concubinage. So a party in Scotland where he is domiciled, marries after cohabitation and the birth of a child—the Scotch Courts hold that child legitimate by virtue of the subsequent marriage; the English Courts hold him bastard—but not generally. If he claims personal estate he is legitimate; if he claims real estate he is bastard—in England bastard in one court; legitimate in another—in Scotland legitimate to all intents and in all courts. Surely, surely, such a state of the law it perfectly disgraceful, and should not be suffered to continue. In 1835 I presented a Bill to remove the grievous defect, and it then met with acceptance from the Scotch Bar and the Scotch Bench. I trust it may soon be adopted and passed into a law. It went to cure the defect in the Scotch marriage law, by which the most important of contracts may be entered into without any forethought by persons of tender years; to make the status of legitimacy general over the whole empire; and to allow Scotch divorces as well as marriages a validity within reasonable limits in respect of acquiring a domicile.

Of the English divorce I have already spoken; it can now only be effected by an Act of Parliament. It is only the remedy of the rich; and the greatest oppression is practised on parties by the expense of process. I have known instances of men absolutely ruined by having to pay all the heavy costs of both sides in Doctors' Commons and the Privy Council, one suit and two appeals; so that before they could obtain their divorce in Parliament they had spent their last shilling. One of them is now suing before this House *in formâ pauperis*, from these misfortunes. The remedy is to send such cases before the Judicial Committee, and to require neither verdict nor consistorial sentence as a condition precedent to the dissolution of the marriage. A difference should be made, no doubt, and for obvious reasons, between the conduct of the husband and of the wife; but within certain limits this highly important remedy should in England as in Scotland, indeed in all other countries, be made accessible to both parties.

iv. Next to marriage and legitimacy, the question of Partnership is, in a commercial country especially, of high importance; and nothing can be more disgraceful to our law, than the difficulty which persons every day find in ascertaining whether they have by their transactions made themselves partners or not. On this, on the law of debtor and creditor, and especially on the laws regarding bankruptcy and insolvency, I shall not dwell, because they are on all hands admitted to require a full revision, especially with a view to digesting them into one code or system. Many groundless theories are afloat upon the subject; and while many persons who ought to know better have made proposals unworthy of attention, others have misunderstood with marvellous pertinacity both the scope, the reasoning, and even the history, though very recent, of the changes which have been introduced. But I have no hesitation whatever in submitting such part of these late measures as I brought forward to the scrutiny of further inquiry; and though my own opinion remains unchanged—though I hold that my Acts for abolishing imprisonment for debt, when duly guarded, as they have been, by remedies to the creditor, and punishment to the criminal or contumacious debtor, still deserve the countenance of the Legislature, I yet am perfectly willing to receive and act upon the lights which experience may have shed on this important subject, and even to reconsider the question of arrest on mesne process, strong as my conviction is that we cannot restore it. Meanwhile, I have presented to your Lordships a Bill containing some most important amendments in the practice of the bankruptcy jurisdiction, suggested by the experience of those learned persons who are engaged in administering it. All are agreed that my Act of 1831 has worked a most salutary change in the law, and generally in the mercantile system of the country; and those further improvements of that Act I am willing to send before the Committee which shall be appointed to consider the whole subject.

v. I now, my Lords, approach a yet more important branch of my subject—the Law of Real Property—the interest of which to the community at large cannot be overrated, but, above all, to the Members of this House, peculiarly the lords, as you are, of the soil of England. To improve the security of its possessors, and to increase the facility of its transfer, must ever be the great end of the lawgiver in all his plans for amending this great branch of our jurisprudence. So thought Blackstone—so thought Locke. The learned Commentator says—

> "Experience shows that property best answers the purposes of civil life, when its transfer and circulation are free and unincumbered."*

Locke, in his famous *Essay on the Value of Money*, says—

> "None can expect that men will risk richly laden ships among shoals and quicksands; or expend their money on estates which may have bad titles. The daily wrecks which strew our coasts shew the numbers of those who have miscarried."

How many a title is there of which it may truly be said, and indeed is daily felt by owners, that it is good enough to keep, but not to sell—that a willing purchaser may take it, but an unwilling cannot be compelled after he has agreed to buy? But also how many titles are there which an owner feels himself insecure in holding, and bitterly laments having ever bought, or if he took by descent, anxiously dreading eviction and ruin! Then, is it not a shame to our system that such doubts, such difficulties, and such darkness should hang over this most important branch of the nation's property? Is it not a scandal to our law, that my learned and right hon. Friend Sir Edward Sugden, one of the greatest lawyers and first conveyancers of the day, should in his admirable and truly practical work have a whole chapter on important points yet undecided? Is it not, again, a deep disgrace to our principles, that the expense of conveyancing should be so enormous, owing to legal difficulties, and that as much cost should be incurred by the purchaser of an acre, as by him who buys land worth five thousand a year? But is it not also truly impolitic to place such difficulties in the way of land purchases, in a great commercial country, where by our habits, or by our institutions, there is such a tendency to realise fortunes by purchase of land, and also where persons of humble fortune are enticed naturally to similar investments of their more humble savings? It was reckoned by Dr. Beke, in 1801, that there were not more than 200,000 owners of land in England, and 8,000 only in Ireland—1 in 75 of the people in the one country, 1 in 1,000 in the other. In France there are above 11,000,000, or 1 in 3, and above 5,000,000 paying under 4*s*. land-tax, or possessing on an average 10*s*. a year land revenue. Of course I feel no envy of a state of things just as prejudicial to the agricultural and the commercial, as to the political welfare of that great country. Yet some middle point all must allow to be desirable, and no one can believe that the working of any system is good which confines landed property to so few hands.

Now, many amendments of this law are required to place it upon a proper and reasonable footing, and to give both owners and purchasers their due protection. To these I must shortly advert, and I would begin by stating the opinion to which I have come, modifying only that which I formerly inclined to think the safer, and holding that we can hardly hope successfully or even securely to amend the law of real property, unless we do so upon an extensive scale; taking large views of its scope and operation, and not selecting insulated portions for the subject of our amendments. There is so intimate a relation between its various parts, so close a connexion between the different arrangements of a system extremely artificial, yet the growth of many ages, such a mutual dependence of each portion upon all the others, that we cannot safely reckon upon the effects of a partial change being confined within the bounds which we intended to prescribe, and cannot be at all sure we may not be affecting other parts when we only mean to touch one, nor even be aware in what manner the operation of the one measure may tell upon other departments of the complex system. Even to a registry would I apply this observation, at least to the extent of holding that its beneficial effects would be much circumscribed, and its salutary operation weakened, were it unaccompanied by other improvements. However, I by no means deny that this change would be to a certain degree both safe and salutary. But I speak of amending the Property law at Large.

1. The grievous condition of parties in possession or parties intending to purchase, from doubts how their titles may fare when brought into Courts of Law and Equity, I have already adverted to. A suit must actually exist before they can have the possibility of being quiet and secure. Now there is an easy remedy for this serious evil, by introducing, as I proposed to do by my Bill, presented three years ago—the Declaratory Action from

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* 2 Com. 288.

the Scottish Law. Succeeding Chancellors, myself included, have often lamented the want of this most useful provision in our system. A possessor of real estate thereby raises an action of declaration, as it is termed, making parties all persons who may have any interest vested or contingent in disputing his title, and after full discussion of the case, he obtains a judgment which binds all these parties and their heirs for ever; he thus possesses his estate from thenceforth as securely, and deals with it, if he is unfettered by any entail, as beneficially, in selling, exchanging, and mortgaging, as if he had the title of an Act of Parliament. In England he must wait until some one chooses to dispute his title, which, perhaps, no one may do until there be some defect of evidence, or some new decisions of the Courts pronounced, or some new doctrines ventilated among lawyers—for these have their varying modes and fashions like other men. It is not till then that any man in this country can call himself sure, because till then the Court has not given any judgment. But the Scotch proceeding enables him to anticipate future events, and to enjoy and use his estate exactly now as if he had survived his own day, and lived in a future period of time. I shall deeply lament if this improvement be not soon made in our law. The objection that we may thus bind persons not yet in existence, is really futile. We do so every day, not merely in Private Acts of Parliament, but in proceedings at Law, and still more in Equity; and the protection thrown round all possible interests by the declaratory process, makes it really no more hazardous to unborn parties than any suit is to a man's successors, which he brings or defends, with all the admissions he makes in the course of it.

2. The late Acts have greatly improved, and chiefly by shortening, the period of limitation, now for the most part twenty, and never more than forty years. Yet I cannot help hoping that this may be further shortened. In France ten years possession, accompanied with proper notices and advertisements to incumbrancers and other claimants, gives an owner a complete and indefeasible title for ever, and against all mankind.

3. The greatest mischiefs have, in my humble judgment, arisen to our law, and the greatest burthen been cast upon our Courts, from the unfortunate distinction between the rules of construction for wills and for deeds. The ground or pretence of this diversity is the desire to get at a man's real intention. But is it not equally our object to arrive at the intention of parties to a conveyance? If, again, it be said that wills are often made with less help of professional men, or with less care on the part of the testator, than conveyances *inter vivos*—let us only reflect, first on the fact, that almost all wills of any valuable property, especially of real estate, are prepared, and their execution witnessed by men of skill, which indeed the very acts requiring a particular kind of attestation almost assume in every case; and next, that do what you will, you are after all compelled to adopt certain fixed rules for construing the words of wills. It really seems that there is as much technical nicety in the rules applied to construe the will as in those applicable to the deed, only that the two sets of rules are wholly different, and yet both are to be used in *pari materiâ.* I need not remind lawyers either of the endless litigation hence arising, and the extremely numerous doubts in which the diversity of the rules has been fertile; nor of the signal failure which has been so often exhibited by lawyers and by Courts in hunting after the real intent, and of the frustration of that chase by the rules introduced for sacrificing the particular to a general intent. I believe few persons would be more astonished at the intentions ascribed to them by the decisions of Courts, as well of Equity as of Law, than the testators themselves, to ascertain whose design the rules have been framed. What would John Williams, whose will gave rise to the question in Perrin *v.* Blake, and caused the application to devises of the rule in Shelly's case, have said, if, having given an estate to a devisee for his life "and no longer," he had found that adding the limitation to heirs of his body, enlarged the gift to an estate instantly convertible into a fee? Nor can any one doubt that these rules have been the cause why many persons, thinking they have devised an estate to the object of their bounty, have only bestowed upon him a series of lawsuits. To take an instance at once of the multiplication of suits, and the frustration of intents—the rule of perpetuity which governs executory devises, had in Lord Thurlow's time given rise to fifty-six reported cases in the books, beside the vast number that never came into court at all. I once asked an eminent conveyancer, who was arguing before me a question of this description,

to how many the decisions now amounted; and he said between seventy and eighty. Now, from the nature of the thing, all these cases arose from putting constructions upon the words of wills; and a single rule, such as is adopted in constructing the clauses of a deed, and such as has lately been sanctioned by the late Wills Act (1 Vic. c. 26), would have prevented all these and similar disputes from ever arising. Mark, too, that wherever the words were found to give too remote an interest to satisfy the rule against perpetuities, the testator's intent was of necessity disregarded, and his object frustrated; for no man in his senses could ever mean to create a void executory devise.

4. The excessive length of deeds is another evil justly complained of. The expense which this accumulates is not confined to the original conveyance; it extends to each time that the property is affected in any way, nay, to all proceedings in Courts concerning the title. But the heavy cost is not the worst of it ; the chances of error and oversight are multiplied in proportion to the length of the instruments. Varieties of expression creep in, and constructions are raised in consequence; omissions occur, often fatal to titles, often misleading the Courts that have to decide upon them. "This wordiness," says Lord Redesdale, "puzzles both the draughtsman and the Courts." He gives a remarkable instance of its effects in a case, which, after lasting for a great length of time, was determined by the Master of the Rolls, and when an appeal from his decision came on before the Lord Chancellor, a clause was discovered lurking in the many folds of the lengthened deeds — that clause at once disposed of the case; it left no doubt at all on the question so long and so expensively litigated; and the decree at the Rolls was reversed as a matter of course. Here all the delay, anxiety, and expense was owing to the prolixity of the instruments; and had the losing party remained content with the judgment below, irremediable injustice would have been wrought. I had a case before me in this House which had run the gauntlet of the three Courts, Chancery, King's Bench, and Common Pleas, all tried upon an error in transcribing, by which one line had been left out of the will or settlement, I forget which, executed by a party in disposing of a large estate; the effect was to pass over the first son, and begin with a gift to the second. I agreed with the Common Pleas that the context and the whole frame of the settlement as well as the general remainder to all other sons after the sixth, let in the first; but the King's Bench had decided otherwise; and so the prolixity of drawing was near working a manifest injustice, and disappointing him who was the first object of the maker's bounty. Now to remedy this evil I obtained in 1845 the concurrence of Parliament for passing an Act greatly assisting all leasehold conveyances in towns, by making certain abridged words refer to the more extensive clauses, and operate as if these were inserted at length; so that by a few lines any town lease may be completed or transferred. I afterwards extended the same plan to farm leases and to sales, mortgages, wills, and all other dealings with real estate, by another Bill of much greater length. But it was deemed expedient to delay the proceeding with this important measure until the new Real Property Commissioners, headed by the Master of the Rolls, should have completed their inquiries and made their report. Meanwhile I must observe that the plan of awarding payment to practitioners according to the value of the property dealt with and the labour of the drawing, and not according to the length of the draft as at present, would be of inestimable importance if generally enforced, and I shall present a short Bill to your Lordships, directing this principle to be applied in all taxations of costs. It has been found to succeed perfectly in Scotland, and it has even been tried with success in the Antipodes; for in Australia it is the established practice.

5. I need hardly dwell on the benefits of a registry for securing titles and facilitating transfers of property. England is nearly the only country which is still without this advantage. When in office I caused a measure of this nature to be prepared and introduced into the other House by an hon. and learned relative, then Member for the borough as well as a Master in Chancery. The clamour of country practitioners raised against it, had the effect of misleading the country Gentlemen, who were made to believe that their titles would thus become published, whereas the most stringent regulations were made in the Bill to prevent the possibility of any one seeing a single line of any title without the express permission given by the owner in writing under his hand. Of course when a sale or exchange or mortgage was in negotiation, the lender or purchaser must have

access to the deeds; but so he would, whether they were put upon the register or not. Connected with a registry should be an authentic and detailed map, the result of a survey of each county or smaller district—what the French call a *Cadastre*—to which on each sale, mortgage, or other conveyance, reference should be made; each change of possession being entered upon the face of the plan. Nothing can better tend to both conciseness of conveyancing and security of title than this scheme; and the experience of Belgium and some other parts of the Continent pronounces amply in its favour.

One kind of Register I must advert to, because that none of the objections can by possibility apply which are made against a General Registry—I mean a public office, in which any person may deposit his will for safe custody, and under his own seal, so as not only to be accessible to his representative, but also on his decease to be examined by all devisees and legatees. At present no one can tell how he is to secure his will from loss by accident, or indeed from destruction by interested parties. The heir disinherited, or the next of kin wholly or in part passed over, are generally the persons who have access to a man's repositories on his decease, and by them spoliation may easily be committed, if it be their interest to cause an intestacy. I have often been asked how a person should secure his will. Bankers may break, solicitors may die, and no one succeeding to their business, documents in their keeping may, as has once and again happened, be cut up into tailors' measures. Even making duplicates, previous to the late Wills' Act, was attended with risk under the nicety of the law, which made the destruction of one copy a revocation, unless it could be satisfactorily shown to have been done without the intention of revoking. A greater relief to testators, I am certain, could not be given than such a Register-office, and the expenses of maintaining it would, I am sure, be willingly reimbursed by payment of the fees.

6. But I cannot leave this branch of the subject without impressing on your Lordships the expediency of another scheme sanctioned by all the consideration which eminent men have given to the subject—I mean the introduction of Insurance into dealing with real estate—in a word, the Insurance of Title. When once any title is examined, as by offices lending money upon it, why should not this investigation suffice as often as any other transaction takes place respecting the same title? Yet, if ten times money is to be raised on lands all held in the same right, ten times is all the delay and expense to be incurred, when once ought to have sufficed. A Government office, established to give all owners security, would be a blessing to the whole proprietary portion of the community. The terms of insurance must needs be moderate; for all are agreed that the vast majority of titles are really good, and such as give small chance of eviction; and the profits of the depositors would be in proportion to this preponderance of safe titles, and the rare occurrence of an owner being evicted. These profits would suffice to pay the party whom the law should deprive of his possessions; and to leave a considerable surplus for the expenses of the office. When we consider the proceedings of Insurance-offices, and other bodies lending money on real security, we shall perceive that they really act upon the very principle which I am recommending for adoption.

I cannot proceed to broach a new subject without congratulating your Lordships and myself, if I may make so bold, upon the entire success of the Terms Bill, passed three years ago, and at that time the subject of no small obloquy from ill-informed persons, but also, I fear I must add, from some who should have known better. It has already done much to prevent frauds; and its operation in lessening expenses to landed proprietors may be better understood by an example than by any general description. I was present at a meeting of our Law Amendment Society, when the respectable solicitor of a noble Duke—an extensive proprietor in the north of England—stated that the savings to his client in one year, in consequence of that Act, had amounted to between 4,000*l.* and 5,000*l.* The gathering such fruits of our labours is truly gratifying, and it naturally must encourage us in persevering until we have finally accomplished the great work of safely and cautiously, but with an unflinching hand, amending our law.

Fourth. The law made in the manner we have seen, and composed as we have seen, whatever may be the merits or defects of the process, and of the fabric to which it has given rise, must be published to the people who are to obey it. This is the bounden duty of the lawgiver; and it implies that he is to make his commands fully known by giving them such a form as shall make them of easy comprehension, and of easy recollection. Both the Judges who are to administer the law, and, above all, the subjects who are to obey it, have an indisputable right to this. In proportion as the system of jurisprudence has become extensive, and the subjects which it embraces are various, it is the more necessary that the whole should be reduced into a convenient shape, and arranged in a proper order. Hence all good lawgivers have had recourse to a code or digest, necessary for all laws, but especially for those defining crimes and denouncing punishments; nor can a more flagrant neglect, nay, breach of duty, be committed by any Government, or a greater oppression upon any people, than omitting to furnish a Digest of its Criminal Law. The Digest, however, should extend to the Civil Law as well, nor is it always easy to separate the two branches of the system.

In England, more than in any other State, more even than in Rome, where Justinian began his labours at a time when the civil law was said to be a burden for many camels, this process has become absolutely necessary, because our law, whether made by Parliament, or existing in tradition, or declared by the Judges, has attained an unprecedented bulk. The Reports of Cases in the Courts fill five hundred volumes—the Statutes near forty, or between thirty and forty thousand quarto pages—while Napoleon's whole Codes, five in number, crept into seven hundred and fifty duodecimo pages. Well might he boast that he should descend to future times with his Code in his hand! Our want of care in making the law known even when it is to be obeyed on pain of death, has occasionally been shown in a remarkable manner. The 43rd of George III., commonly called Lord Ellenborough's Act, by which some eight or ten capital felonies were created, was to take effect in six days, when it could hardly have reached the remote parts of Ireland, where the acts made capital were most likely to be done. Though nothing like a Code or Digest has yet been prepared by us, yet great steps have been taken towards it. The experiment has been tried on some classes of offences, especially by Sir Robert Peel, whose Acts for the digesting of these have been carefully formed, and are productive of great advantage. The Revenue Laws, too, have from time to time been digested, with good effect to their administration; and it is an additional reason for undertaking this process on an extensive scale, that nothing of the kind has ever been done without leading almost necessarily to salutary amendments of the existing law, by showing its defects in a striking manner, and by the comparison of its inconsistent provisions which arises out of their juxtaposition under the heads of the arrangement.

Although the labours of the Commission which I issued in 1833, to Messrs. Starkie, B. Ker, Amos, and others, and which my noble and learned Friend (Lord Lyndhurst) and my right hon. Friend (Sir J. Graham) most wisely continued in 1846, have rendered the task easy for Parliament by the digests reported, and have recommended it by the reasonings in their most valuable reports, and although some inducement is offered to have the whole work done at once, yet I am clearly of opinion, as are my learned Friends the Commissioners, as well, I believe I may add, as my noble and learned Friend, and my right hon. Friend, whom I have just named, that we shall act more judiciously if we at first rest satisfied with forming and passing a Digest of the Criminal Law, by far the most imperatively required; and I accordingly, in 1845, brought in a Bill to this effect. At the desire of my noble and learned Friend (Lord Lyndhurst), I postponed the passing of this measure, in order that it might be referred to a new Commission, composed of the former Members, with one or two important additions. Those learned persons have now more thoroughly investigated the whole subject; they have reported a Digest of the whole Criminal Law, excepting Procedure, on which we may in a few months expect their final report; and I am now prepared to lay a Bill on your table enacting a Criminal Code—a code defining all crimes, with their punishments; and I promise to follow it with a second, enacting a Code of Criminal Procedure.

But there is one thing which I must strongly recommend to be done forthwith, and I know I have in this the entire concurrence of the learned Commissioners, especially my friends Mr. Starkie and Mr. Ker, and the learned and able Secretary to the Commission, Mr. Lonsdale. Let us, without delay, direct to be prepared a work which will require little labour, and will prove both invaluable in itself, and a most useful preparation and help for a complete Digest. Let all our Statute Law be brought together in one body, and arranged under convenient heads. I am quite sure that whoever turns his attention to this subject will at once see the importance of the suggestion. Of course, I mean our statutes sifted from the vast mass of temporary and trifling matter which overloads and encumbers the Statute-book—in short the general and permanent laws of the realm. Sir William David Evans, a most learned lawyer, who was afterwards Recorder of Bombay, once undertook this task, and his book, which he did not well finish, will afford assistance to those whom we may appoint to undertake the work. I am of opinion that the labours of the existing Commission had better not be interrupted by imposing on them this additional duty; but that it might be more conveniently entrusted to a Sub-Commission, acting in concert with them. I shall lose no time in moving an Address to the Crown on this subject.

Fifth. At length, my Lords, we seem to be in sight of land, and I approach the last branch of this vast subject—the Administration of the Law, or the constitution and practice of the Courts. The importance of this subject is not to be doubted; it can, indeed, hardly be overstated. The saying, "Whate'er is best administered is best," may almost literally be applied to the law. This at least is undeniable, that a bad system of law may become comparatively innoxious if administered by judges of great wisdom, capacity, and integrity, whose independence of all mankind is absolutely secured. Nay, so much more depends upon having your law well ascertained and fully known, and equally administered, than upon its actual structure, that it would be better for any people to live under an ill system well executed, than under a good system administered by incapable, corrupt, or dependent judges. Now, upon this important subject the principles are as little the subject of contest as under any of the former heads; ther application alone is to be considered.

As regards the Judges, the essentials are these:—

1. The separation of the judicial from the executive and legislative powers.

2. The absolute independence of Judges, both of the Crown and the people.

3. The securing of competent learning and skill in those selected to fill that high office.

4. Their payment by salary and not by fees.

In all these particulars our system is, generally speaking, sufficiently free from defect, though some exceptions there are. Regarding practice and procedure — the main point is to render it as expeditious and as little costly as may be to the suitor; to levy from him no duties for the State upon any law proceeding, only making him pay for what benefit he receives. But the best mode of ascertaining the truth in judicial inquiry demands more minute consideration, and may be reserved for the chapter of general defects. To them we now proceed.

i. In the condition of Judges the departure from principle has been considerable in some respects.

Justices of Peace furnish the first instances. That part of our system sins, but more in theory than in practice and in fact, against the two first of the principles just stated; for though they have large jurisdiction, and especially preside over by far the largest portion of criminal trials, and yet are both eligible to Parliament, and are removable by the Crown, yet they never are removed unless on conviction, after once being appointed. As to the third rule, to secure their competent qualification for their important office, requires a change in the law. It is, however, to be observed, that some subjects of magisterial jurisdiction are peculiarly ill adapted to that kind of tribunal. Thus I particularly think that questions on the Game Laws are little likely to be satisfactorily decided by country gentlemen, game preservers and game destroyers themselves. The conviction of a man for poaching, that is, killing game without a qualification, because he had snared a hare that had for weeks been destroying his garden, is one among other instances in support of my opinion. On this and other grounds, there is no doubt that a paid professional Chairman should be appointed to preside at sessions; and he might conveniently occupy an important place in preparing the cases for the assizes, so long at least as we continue, against all principle, to have no public prosecutor. He might fill too the place of Judge in the Local Courts. Against the third rule our Colonial Judicature sins most largely. Those who are to administer law in all its various forms among myriads of our people are so much underpaid, that while I held the office of Minister of Justice, or the only and most imperfect substitute which we have for that office, I constantly refused to recommend Judges for the Colonial Settlements, because I would not go into Westminster Hall to find fit persons for the office, when I could offer no salary sufficient to tempt well-qualified lawyers, and no retiring pension on their health being broken down in bad climates. I know a most learned and able man, who has filled most underpaid offices for the greater part of his life, and who now has 1,200*l.* a year, in a place where that sum is only equal to 600*l.* in England, and who, if his health fails under a tropical sun, retires upon literally nothing. This remark applies not to our Indian Judges, and these accordingly are for the most part well selected. But exceptions there are, because there is no Minister of Justice responsible to the profession; and I grieve to say I have lately heard of one such exception, with a wonder shared by me with the whole profession of the law. The subject is painful because it is personal, and I willingly hasten away from it, preferring to lose myself in more general matter.

ii. The first and second rules which I stated are both violated in the highest of our judicatures; the judicial powers of the Chancellor must no longer be left in the hands of a Judge holding his office during pleasure, and the first member of a political party, as well as of a Ministerial body. There remain abundant duties for that high officer after this anomaly in our system is removed. He should be the Minister of Justice; a functionary much wanted in this country; the want of whom, indeed, meets us at every step, whether we regard the amendment of the law or its due administration; and I rejoice to find that on this important question we have now the sanction of my noble Friend the Master of the Rolls' high authority. On this subject I do not purpose to dwell longer on the present occasion; but having, as it were, got into Chancery on one point, I must, like the other parties who get there, be content there to remain for a space; and even to enter the most awful part of its penetralia—the Master's Office.

1. On this all seem now agreed, that the course of proceeding in that department affords the most just of all the grounds of complaint against our Equity judicature. I take my stand chiefly upon the undiscriminating reference of matters for inquiry, and the mischief that thence result to the suitors, by delay so endless, that the clerks of some Masters being lately examined, have not hesitated to declare that it is wholly in the power of a solicitor, whose interest might lie in delaying the proceeding, to protract it without any limit of time whatever. So says Mr. Pugh, clerk to Sir Giffin Wilson; so say others, his brethren. Now, the Equity Judges send all things before the Master, and thus appear to get through their cause paper, when in reality they are doing little but augmenting the costs, and extending the delay of the parties. First, they refer matters to be inquired of, on which no inquiry at all is wanted, because all parties are agreed on them. Secondly, they refer questions, much fitter for their own decision than the Master's—questions of mere law, as whether a power has been executed, always even after the facts are ascertained, so nice a point of law that I hardly ever gave an opinion upon it unless I found some decision upon the very same form of words; and yet the Master, after ascertaining the facts, has to report whether or not the execution is good in law. So upon the validity of a devise or bequest; and in all such cases, whatever way he decides, the losing party is sure to except; so back the matter comes, after useless, and costly, and dilatory litigation, to the Judge, who should in the first instance have pronounced his decision. Thirdly, matters of fact are referred, out of which, perhaps unexpectedly, emerge mere legal points. Now, in all cases these should be sifted from the whole matter, and reserved for the Court, and the inquiry of the Master limited to the questions, and the disputed questions, of fact. Nothing could be easier than this process. Parties might be called upon for their statements; the admissions might be taken of fact, as we have by the late improvements in procedure since the Act of 1833, done in the Courts of Common Law; or parties might agree on the points fit for the Court and for the Master respectively; and, above all, an easier intercourse might be established between the Master's Office and the Court. Had the Master a power of at once communicating with the Court, as the clerk has with himself, whenever he found that any thing emerged which was sure to end in exceptions, what way soever he reported upon it, he might at once send it back to the Court, and this whether the matter was one of law or of fact.

2. A great abuse would be prevented, and an incalculable saving of time as well as expense to parties be secured, by requiring the Masters to act *de die in diem*, on each reference, giving of course due notice to the parties, and calling on them, upon pain of exclusion, to be prepared with

their witnesses and other evidence when wanted. This is the course at law, where, unless the party is ready, he must expect the verdict to go against him. In Chancery, the parties come before the Master for an hour one week, and then for another hour the week after, when half or whole of the last day's proceeding has been forgotten, and thus the inquiry and the expense never ends.

3. I have little to add on the Master's Office, except to express my regret that I was overruled in 1833, as to paying the Master by salary, or at least altogether by salary. The principle is no doubt as I have stated it, to pay Judges by salary and not by fees. Yet this rule cannot safely be applied to those who sit in private, however good it may be for those who sit in the eyes of the profession and the public; and if only such fees be allowed, as the functionary has no power of increasing by the steps or the length of procedure before him, he will be usefully quickened in discharging his duty, by being at least in part thus remunerated for his labours. I am certain that many fewer reports have been made by the majority of the Masters since the time when I was compelled to yield my opinion on this subject; and the abolition of the Master's fees is the only part of the late changes in the Courts which I lament.

4. The mode of taking evidence in Chancery is still as bad as possible, and loudly calls for alteration. Nothing can well be conceived more preposterous. The Examiner is a mere mechanical agent, and his office, though richly paid, could be performed by steam. He has only the power of reading the interrogatories and minuting the answers. These interrogatories are prepared by a draftsman who never sees the witness, and frames every question without the possibility of knowing how any of the former ones was answered. Thus, the first question being, Did you ever see the party? and the answer, Never; the second may be, What did he tell you when last you saw him? So cross questions are put in utter ignorance of the answers to the examinations in chief, or even of the questions in chief. My noble Friend behind me (Lord Lyndhurst) and myself in discussing this matter, with our experience of the far different proceedings in our own Courts of Law, have often agreed that the best we could say for the Chancery practice was, that we only wondered it brought out so much truth as it frequently did, or indeed any truth at all—a poor panegyric on any system of inquiry. Now if we are not ripe to pronounce for letting in *viva voce* evidence in all cases (the true remedy for the evil) at least we may call on Equity to adopt the far better course of examination used in our Civil Law Courts, where the Examiner is called upon to put whatever questions are suggested by the allegations, or the interrogatories, and also whatever questions appear to himself fitted to bring out the truth, only taking those instruments for his guide. Such of my noble and learned Friends as with myself have been used to sit on appeals from these courts, are well aware how greatly superior this kind of examination is to that of the Court of Chancery.

5. The vast amount of business in Chancery, as well in its administrative as its litigious department, is only exceeded by the great variety of the functions which it is called upon to perform. There are above sixty millions of personal property under its control or under its consideration, and perhaps as much or more of real estate; but also there are so many kinds of labour which it must undertake, that one is bewildered in thinking "how one small head can carry all it knows,"—or rather ought to know—for its ignorance and incapacity make the wonder cease. Chancery is truly a jack of all trades—a landowner, a farmer, a proprietor of bank stock, a holder of railway shares, a joint-stock director, a trader, a manufacturer, a minor, a shipowner, a fisherman, nay, the manager of a theatre. As truly as it is jack of all trades, does it verify the proverb, by showing that it is master of none. Thus to say nothing of commercial, or of manufacturing, or of theatrical concerns, we know that travelling in the country, and seeing a well-cultivated, thriving farm, we cannot tell to whom it belongs; but seeing an every way ill-conditioned estate, we hardly find occasion to ask, Whose is that? for we may at once conclude it is in Chancery. Now I would have better and official assistance given to this great administrative department. I would have a class of official receivers and other managers appointed, whom the usual emoluments would well reward. I would apply to this Court the institution of Official Assignees, which I introduced some seventeen years ago into the Court of Bankruptcy; an invention at the time loudly blamed by the profession, and to my astonishment as loudly complained of by the

mercantile community, whom it was especially designed to serve, but now with singular unanimity as loudly approved by both classes. After this experience we cannot hesitate in recommending its extension to the Court of Chancery.

That the defects I complain of exist, and that their remedy is loudly called for, who can now undertake to deny? I will only give your Lordships a few instances—first in the administrative, then in the judicial branch of Chancery. The accumulation of the rents under Mr. Thelluson's will was in that famous case represented as likely to prove so enormous as in half a century to create a fortune absolutely perilous to the balance of our monarchical constitution; and this was one of the arguments pressed upon the Court against supporting the will in favour of the testator's intention —*Nescia mens hominum fati sortisque futuræ!* Little did the prophets know the powers of Chancery administration to arrest the accumulating speed!—The half century has now elapsed, and instead of 20,000,000*l.* a year standing to the credit of the account, the income has not increased 20,000*l.* But take an instance or two of more recent date as to the delays and the costs of litigation. A suit was begun in 1807 to which a London banker in the Irish Equity Exchequer was party. In 1845 it had gone through the Master's (Remembrancer's) office, and exceptions to his report were heard during eight successive days: this hearing ended in a reference back to that office, and there the suit rests after a period of forty-one years, during which the London banker has been deprived of his money. In the Chancery of this country the case of Cottingham *v.* Shrewsbury, begun in 1828, is still hung up in the same Court, though the funds are ample to satisfy all claimants. In another case of a like kind, after fourteen years, assets have been realised to the amount of 3,700*l.* How much of this sum, think you, has been spent in the litigation? Why, all but 383*l.* In another suit of a specialty creditor, 2,500*l.* have been got in, but the costs only leave 35*l.* to be divided among the unfortunate parties who have gained. As to the cases of partnership accounts, which in a suit to dissolve, must always be taken, and, of course, in the Master's office, things are worse if possible. A solicitor in large practice has declared, that after making a very extensive inquiry he can find no one case of litigated partnership accounts ever coming out of the Master's office at all. My Lords, I will detain you no longer on this head. I think I have proved my case, and so if it please you we may get out of the Court of Chancery, and be the envy of many a poor suitor who still lingers imprisoned there.

iii. The expense and delay of Appeals, I mean appeals to this House, and especially from decrees in Equity, has long and justly been complained of. Our fees and the fees of practitioners, and the delay from vacation to session, are paid in every case, but in small cases they amount to an absolute denial of justice. At present there can be no appeal in cases of a moderate amount; and of the numberless orders made upon Appeal Motions, often highly important in principle, not seldom decisive of the whole question between the parties, I am confident not an instance can be given of one being brought here, however manifestly erroneous in law or in fact the order may have been. This must really be altered; the dignity of your Lordships' House, as well as its character for justice, imperatively demand the applying a speedy and an effectual remedy to so great an evil.

iv. It is equally true that a denial of all justice by the Courts below, exists in cases of small amount. No man can obtain payment of a 50*l.* or even a 100*l.* legacy, if the executors or administrators of the deceased choose to refuse him, because no man in his senses would sue in Equity for such a sum, and in Equity alone can he sue for it. So the trustees of small charities, thousands in number, are wholly beyond the reach of the law—amended as it has been, and numerous and searching as have been the late inquiries into their malversation. Therefore I deeply lament the loss of my noble and learned Friend (Lord Lyndhurst's) Bill in 1846 on Charities; and I also lament the omission in the Local Courts Act, of the provisions which I had introduced on legacy cases into the Bill, when it was first presented by me to the Commons in 1830, and to this House in the following year. My hope is, that these improvements in our Equitable and our Legal judicatures may before long be made. And let me add, how evident is now the necessity of extending the jurisdiction of the Local Courts, when we find the great amount of business which they have so satisfactorily transacted to the incalculable relief of suitors. That amount has in every way facilitated the extension for which I am asking; because the fees, so easily collected, may now be considerably reduced to the suitor; the costs may be given to parties at present deprived of them; and, above all, the ablest professional assistance may be obtained by the considerable emoluments enjoyed by the Judges. Therefore, I venture confidently to hope, that among other improvements, will be made that of adding the voluntary jurisdiction clause, which my noble Friend (Lord Lyndhurst) author of the present Act, had introduced at my desire from the Bills of 1830 and 1838—by which, although the compulsory jurisdiction of the Local Courts was confined to 20*l.*, and to cases of personal rights, and indeed to actions of debt mainly, yet the Court could entertain any case of any kind whatever, and of all amounts, provided both parties should consent. All that is wanted in such instances is to provide for an appeal, in case the parties do not consent to make the Local Courts' decision final.

v. I cannot close my observations upon the defects still existing in the administration of the law, without adverting to one, and for the hundredth time denouncing it to your Lordships—because it affects our whole criminal law as regards its execution. We still—we alone, of all civilised nations—we, contrary to all principle, and in spite of all experience, still persist in leaving the criminal law to execute itself. No provision whatever is made in our system, for any one criminal being brought to trial, any one offence prosecuted; no provision, at least that is of the least certainty, or that may not just as well prove nugatory as effectual. A man is robbed; he has the additional misfortune of being bound over to prosecute the robber—his life is attempted; he has the additional risk of losing the costs of the trial, and the certainty of losing his time in urging it on. Public prosecutor we have none; all is left to hazard; the worst crimes may go unpunished; aye, and the most innocent parties may be involved in a prosecution. The Grand Jury, good for some purposes, is for others wholly useless, for not a few absolutely mischievous, if acting without the guard of an officially responsible prosecutor. I will give your Lordships only three instances, one of impunity to the guilty, the other two of vexation to the guiltless. A man in good business at Plymouth, some years back, committed forgery to a large amount, and the party injured was bound to prosecute under a two hundred pound recognizance. Had the culprit been poor he would have been tried, and, as the law then stood, hanged. But no prosecutor appeared against the rich felon; he had made his peace and paid the forfeiture of the bond. In 1812 I was counsel for a gentleman, a respectable man, of 10,000*l.* a year; but a Catholic, at the Lancaster assizes. The Grand Jury found a bill against him for murder; and it had been committed by his bailiff, or other servant, leaving a rope incautiously across a road under repair, without a lamp to warn passengers, whereby an old woman returning from market had broken her neck. The prosecuting counsel could hardly state the case with any pretence of seriously expecting a verdict. Mr. Baron Wood said, "Is the Grand Jury discharged?" We answered, Yes. "I am very sorry for it," said the learned Judge, "it is a most scandalous case," and he immediately ordered an acquittal. Yet here was a highly respectable man, who, all his life after, was known to have stood in the dock of a public court on a charge of murder, and in whose teeth any Protestant bigot could at any time, in the heat of political or religious controversy, fling this charge, and fling it with truth. Now, I will assert, that at no time, nor in any fervour of faction, civil or religious, would any public prosecutor, responsible in his own person for his official acts ever have chosen—I may say even have dared, to put Mr. Blundell, of Ince, upon his trial as a murderer, making him criminally answerable for the negligence of his servant. But the Grand Jury had none of these alarms or scruples. When called for by the Judge, to be severely rebuked—to receive such a reprimand as would have attended them all the days of their life—they were gone forth; they no longer existed in that capacity, in which they had done the most criminal act I ever knew a jury perpetrate; they had retired into the body of the community; and even if all their names had been made public, nay, if they had come to receive their sentence from the Judge, no man could have told to which of them it applied; because all being bound by oath to conceal their own counsel, and that of their fellows, no means existed of knowing who composed the thirteen or more that found the bill. Mr. Baron Alderson, at the last Central Criminal Court, had a bill for forging a will presented by a Grand Jury. No prosecutor appeared at the trial; the whole was the malice of a disappointed legatee; and the Grand Jury had found the bill without ever asking to see the will!

I am sure I have done more to recommend the appointment of a public prosecutor, by giving these three examples of the want of this office, than if I had argued for it during an hour. But I must add, that great as was the desire for this assistant to the execution of the law, when I first proposed it in my evidence before the House of Commons in 1834, it has now been rendered doubly necessary, by the Act allowing counsel to address the jury for all prisoners. The law has no longer a fair chance of being duly executed, for the prisoner who can afford it has always an able advocate to sway the feelings or perplex the understanding of the jury, while very often there appears no one to speak against him. The Judge, it is said, may in his charge take off the effects of the orator's eloquence or sophistry. But that is no part of any Judge's office, even were he always qualified to perform it: on the contrary, he is by the principles of our law held to be the prisoner's counsel; and at any rate he is chosen to be placed upon the bench for very different qualities from those which fit him to work on a jury's passions, or wrangle successfully with the bar.

I therefore do hope that a long time may not elapse before we borrow from our Scottish neighbours their invaluable institution of a public prosecutor, lending them in return our Grand Jury—against which I have not a word to urge, only desiring it to be accompanied with a learned, an efficient, and thus a well-qualified and a fully responsible officer, to superintend the enforcement of the criminal law. That law thus amended in its procedure and improved as it has been since 1828, would, in my humble judgment, approach so near to perfection as only to require being well digested, and thus made well known, to make it deserve and receive the cordial applause of a grateful empire.

I touch, my Lords, on the conclusion of my course, and I have to express my thanks for the patience with which you have deigned to attend me on it. We have traversed a vast expanse of ocean, but unruffled by any breath of faction, nor heaved up by the ground-swell of any personal interest, while the surrounding shores are at this moment shaken far and wide by convulsions that awe the soul. The mighty monarchy of France, destroyed in an hour — the dynasties of its Eastern neighbours crumbling to pieces —the perennial Empire of the Cæsars tottering to its fall—the janitor of the Alps flinging open the Italian gates to the Gaul — the Eternal City built upon seven hills shaken to their base by the populace thereof and their accomplice, the successor of the Borgias, inheritor of their ambition, but unsustained by their capacity or their courage—the air thus ringing with the crash of fallen thrones, the din of arms, the shouts of demagogues — aye, and with shame I speak it, of demagogue statesmen exulting over the havoc which their evil example has dealt all around. Through the air thus inauspiciously filled, let me hope that the feeble voice may pierce which I raise to implore, that while yet the storm only growls at a distance, you would perpetuate the safety you providentially enjoy, by removing every flaw in your system. It is because all other States are shaken, and ours alone is yet secure, that I would have you make those institutions perfectly to be loved which you bid the people press to their bosoms. The events at which all Europe stands aghast, are fitted to teach you this lesson. Listen not, I beseech you, to the thoughtless men, who wrapping up a false doctrine in a fallacious figure, would make you believe that you should not repair your cabin in the hurricane season. I tell you this is the time to repair; for on you the tempest has not yet begun to blow; and you ought to employ the interval while it only rages at a distance, to give all the solidity you can to your walls, and every strength you can impart to your timbers. I have the most entire and undoubting confidence in the powers of our constitution, and the loyalty, the virtue, the courage of my fellow-subjects to sustain it. But the better the law is under which they live, the cheaper is its administration to them, the closer its remedies are brought home to their doors, the plainer it is written for them to read, and the simpler to comprehend as digested, the more secure property becomes in the enjoyment, the easier to exchange and transfer—making it, as Blackstone says, answer more perfectly the purposes of civil life — removing as Locke hath it, the shoals and the quicksands which beset the course of those who deal with it — the better will our system deserve the people's love—with the more fervent loyalty will it be by them upheld—the more firmly nerved in its defence will be their gallant arms—the more inaccessible their honest hearts to the arts of all its enemies. Inspired with such sentiments, I twenty years ago addressed the Commons, beseeching them to help me in my endeavours. It is their business to amend the laws of the people who have chosen them to represent their will and guard their interests. But I have now the honour of addressing another, a more august assembly, one whose peculiar province it is to watch over the passing and the administration of the law. I address you who are its hereditary guardians, you who more eminently preside over legislative Acts, you above all who are the judges appointed in the last resort to perform the sacred office of administering its powers and its remedies, you the highest Court of Justice in the Empire. Your aid I implore in performing the office of improving our jurisprudence in all the branches that still require amendment; and my hope that the system thus improved will be as perpetual as its merits deserve, is grounded on the excellence of the fabric which you have to build upon—a constitution justly dear to those who live under it, and justly envied by those who unhappily enjoy not its blessings — uniting in itself the advantages of all other Governments, regal, patrician, republican, and clothed with their several virtues, — borrowing vigour from monarchy, stability from aristocracy, freedom from democracy. But if there remains any defect, anything for a friend to lament, and an enemy to rejoice over; that defect should by its friends be removed, and to its friends therefore I make my appeal. It is my fervent hope that, so improved, it may have a lasting duration. This is my earnest prayer, as it is yours, and I also pray that if, like all the works of man, it be fated to perish, I may not survive to read over its ruins a mournful lesson, how frail are the most perfect monuments of human wisdom.

I crave of your Lordships a first reading for this Bill, entitled—

"An Act to Consolidate and Digest into one Statute all the Laws of England, as far as relates to Indictable Offences and the Punishment thereof."

Bill read 1ª.—House adjourned.

HOUSE OF COMMONS,

Friday, May 12, 1848.

Minutes.] Public Bills.—1° Friendly Societies; Qualification and Registration of Electors (Ireland); Election and Polling Places (Ireland).

2° Scientific Societies.

Petitions Presented. By Mr. William Marshall, from Carlisle, in favour of the Borough Elections Bill.—By Mr. Cobden, from Nottingham, for Extension of the Elective Franchise.—By Mr. Robert Palmer, from Wokingham, and its Vicinity (Berks), for Adoption of Vote by Ballot.—By Mr. Hume, from Members of the Baptist Church and Congregation, Gosberton (Lincoln), for Discouragement of Idolatry (India).—By Mr. Forbes, from the Provincial Synod of Moray, against the Jewish Disabilities Bill.—By Colonel Hanson, from West Bromwich (Stafford), and by other Hon. Members, from several Places, for Better Observance of the Lord's Day.—By Mr. Elliot, from Commissioners of Supply for the County of Roxburgh, against the Marriages (Scotland) Bill (1847).—By Mr. Cowan, from Inverness, and by Mr. Hume, from Members of the Presbyterian Congregation in Maryton, in favour of the Places of Worship Sites (Scotland) Bill.—By Captain Boldero, from Chippenham, for Inquiry into the Case of the Rajah of Sattara.—By Mr. Forbes, from Stirling, for Alteration of the Banking Law.—By Mr. Gardner, from several Lodges of the Independent Order of Odd Fellows, Manchester Unity, in favour of an Extension of the Benefit Societies Act.—By Sir R. H. Inglis, from the Parish of West Croker (Somerset), against the Diplomatic Relations, Court of Rome, Bill.—By Captain M'Clintock Bunbury, from the Parish of Tullow, Diocese of Leighlin, and other Places, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Viscount Castlereagh, from Killyleagh, in the County of Down, against the Imprisonment for Debt (Ireland) Bill.—By Sir Benjamin Hall, from Owners and Occupiers of Houses in St. Marylebone, respecting the Marylebone and Finchley Roads.—By Mr. Ord, from George Straker, of Newcastle-upon-Tyne, Shipowner, respecting Declarations of War as regards the Merchant Shipping.—By Mr. Hudson, from Shipowners residing at Newry, and other Places, against Repeal of the Navigation Laws.—By Mr. Hume, from the Guardians of the Bangor and Beaumaris Poor Law Union, for Alteration of the Law of Parochial Assessments.—By Sir George Clerk, from Parish Schoolmasters within the Presbytery of Burravoe, Zetland, for Ameliorating their Condition.—By Lord Ashley, from St. John's, Clerkenwell, and several other Places, in favour of the Public Health Bill.—By Sir B. Hall, from a Representative Vestry of St. Marylebone, for Alteration of the Law respecting Remedies against the Hundred.—By Admiral Gordon, from the Presbytery of Alford (Aberdeen).—By Mr. Arkwright, from Leominster, and its Neighbourhood, to take the Turnpike Trust into Consideration.

NOVA SCOTIA.

Mr. B. COCHRANE begged to ask the hon. Gentleman the Under Secretary for the Colonies the questions of which he gave him notice yesterday. First, whether the Colonial Office had received any information that the Legislature of Nova Scotia had removed from the situation of Colonial Secretary Sir Rupert George, a most able, meritorious, and persevering public servant, who had filled that situation with honour and credit for a period of thirty-five years; and at the same time he had only been voted a retiring allowance of 400*l.* per annum; whereas, under such circumstances, it was usual to give the whole salary for a retiring pension. Secondly, whether the Houses of the Legislature had enacted that for the future the Judges are to be removable on a petition from both Houses to the Governor, without any fault alleged or reason stated? And, thirdly, whether the Legislature had voted Sir John Harvey, the present Governor, a salary of 3,500*l.* per annum, and 450*l.* contingencies; but at the same time enacted that after Sir John Harvey no future Governor should have more than 3,000*l.*, and no allowance for contingencies; and this, moreover, was only to be voted annually? It appeared to him (Mr. Cochrane) that if the Legislature had acted in this manner, a grave injury had been done to a public servant in the person of Sir Rupert George—that the independence of the Judges would be destroyed—and that no future Governor could conduct the administration in a manner to maintain his own character and the dignity of the British Crown.

Mr. HAWES replied, that the Government had recently received despatches from the Government of Nova Scotia, stating that Sir Rupert George, who had long occupied the post of Colonial Secretary, and who had discharged his duties very ably, had resigned his office. The allowance to be made to Sir Rupert George, in consequence of his resignation of that office, was, as had been stated by the hon. Gentleman, 400*l.* a year; but Sir Rupert George held another office, on his retirement from which he would receive a pension to nearly double that amount. He would be quite ready to lay any papers relating to this subject which were in the possession of the Government upon the table of the House. In reply to the second question of the hon. Member for Bridport, he begged to say that it was quite true that an ordinance had been passed by the Assembly of Nova Scotia, which had been sent to this country, altering the tenure of office with regard to the Judges, and that ordinance was now under the consideration of Her Majesty's Government. The statement of the hon. Gentleman as to the salary of the Governor of Nova Scotia was quite correct. A salary of 3,500*l.* a year had been voted to Sir John Harvey during his tenure of office, which salary would be reduced whenever a vacancy took place, and there would then be no further allowance for a secretary and for contingencies. The hon. Member for Bridport was probably aware that a change of government had taken place in the colony, which had undoubtedly led to the resignation of the Colonial Secretary, and to the prospective reduction of the Governor's salary. He (Mr. Hawes) might add, that he was quite ready to lay on the table any despatches for which the hon. Member for Bridport might think it right to move.

THE NATIONAL LAND COMPANY.

Sir B. HALL wished to put a question to the hon. and learned Member for Nottingham (Mr. F. O'Connor) with reference to the National Land Company. He had made inquiries at the Registration Office, and he found that nearly 100,000 names of subscribers to that Company had been registered. The Company had, as yet, been only registered as a Provisional Company, although the hon. Member for Nottingham had stated in July last that the Company would be completely registered within a week from that time. It appeared from the records of the office, however, that no such registration had been made, and that no copies of deeds had been lodged in that office which would entitle the Company to a certificate of complete registration. He wished, therefore, to ask the hon. Member for Nottingham whether, as one of the leaders of this Company, it was his intention to place the Company in a position to obtain a certificate of complete registration?

Mr. O'CONNOR replied, that as soon as the Company was established, he applied to the certifying barrister for a certificate of registration; but that gentleman declared that he considered it was not in his power to certify the Company. He, therefore, had the Company provisionally registered; and although the hon. Baronet seemed astonished at the number of names that had been registered when he made inquiries at the office, he would find, if he took the trouble to inquire now, that that number had been very considerably increased. Having proceeded to a certain point, he (Mr. O'Connor) found that the expense of complete registration would be enormous. He learned that many companies were only provisionally registered, as that gave the members of the Companies sufficient protection; but he was most anxious that this Company should be completely registered. He was, however, recommended to bring in a Bill to do away with the necessity for complete registration in this case. He brought in such a Bill at as early a period as possible—it had been presented to the House, and had been ordered to be printed—and he (Mr. O'Connor) had named the earliest day he could for the second reading. He might also state that, in the event of the House refusing to sanction the Bill, it was his determination, cost what it might, to procure the complete registration of the Company, for nothing would give him more satisfaction than to be altogether discharged from the onerous responsibilities which naturally attached to a person who held the position he occupied with regard to a society numbering—as the hon. Baronet said—100,000 persons.

Sir B. HALL understood that the hon. Gentleman had fixed the second reading of his Bill for the 14th of June; and he wished distinctly to understand the hon. Member that, if the Bill did not pass, he would proceed to obtain the complete registration of the Company.

Mr. O'CONNOR said, it was his determination, if the House refused to sanction his Bill, at once to obtain the complete registration of the Company.

RUSSIA AND TURKEY.

Mr. URQUHART would take that opportunity of enabling the noble Lord (Lord Palmerston) to contradict two rumours which were rife in foreign countries. One of these rumours was, that an offensive and defensive treaty had been agreed upon, or was on the point of being concluded, between Russia and Turkey, during the absence of Sir Stratford Canning; and the other rumour was, that Sir Stratford Canning had been instructed to bring about such a treaty.

Viscount PALMERSTON stated that Her Majesty's Government had no knowledge of any such treaty as was referred to by the hon. Gentleman being concluded between Russia and Turkey, and certainly no instructions had been given to Sir Stratford Canning to further such a treaty.

POSTAL COMMUNICATION WITH THE UNITED STATES.

On the question that the House at its rising adjourn to Monday,

Mr. W. BROWN said, that his constituents and the manufacturing interests of the country were very anxious to see a satisfactory postal arrangement concluded with the United States; but he was sorry to find from American papers, and from what had fallen from the Chancellor of the Exchequer, that there was little hope of that being effected. That the House and the country might more clearly understand how the matter stood, he might state, that on the arrival of the first American steamship in August last, we claimed and charged 1*s.* on those letters coming by her, which had previously paid 1*s.* to their own Government, and which the American Minister remonstrated against, as letters by British packets arriving there only paid one-halfpenny in addition to the inland postage, which was 2½*d.* for 300 miles, and 5*d.* for any further distance of 2,000 miles or more. After various communications between the Marquess of Clanricarde and the American Minister, from August to February, the former proposed that each party should charge 2*d.* for inland postage, and 10*d.* for sea-going postage, making 1*s.* 2*d.* in all. This the American Government rejected, as, from the great extent of their territory, they could not carry letters on the same terms there that we could here; but as they could not meet the wishes of the British Government on this head, they had no desire to meddle with our internal arrangements, nor could they agree to any country interfering with theirs; but were quite ready to put British letters arriving in the United States upon the same footing as those of American citizens, provided we would put letters arriving by their packet-ships from the United States upon the same footing as those of British subjects. As to the sea-going postage, they would fix any rate that would meet the wishes of this Government, from 7½*d.* to 1*s.* Our not acceding to these propositions had induced the American Government to bring in a Bill to enable them to retaliate on us, so long as we persisted in their packets being placed on a worse footing than that on which they had placed the packets of this country. If he (Mr. Brown) was not misinformed, our postal arrangements with France only carried letters as far as Paris, and then the French Government charged a further sum, depending on the distance to which the letters were sent. This was what the United States seemed to contend for. This postage disagreement was not the worst of it: it furnished an argument to the manufacturers of the United States to go to their Government for increased duties on goods imported from this country. He trusted that Her Majesty's Government would put an end to this state of things; that harmony might again be restored;

and that we might avoid collision with a country a good understanding with which was so necessary to the welfare of both nations.

VISCOUNT PALMERSTON complained that the hon. Member was departing a little from the ordinary practice of the House. The hon. Member seemed to think that the American Minister was not sufficiently competent to urge his own case, and therefore the hon. Gentleman had thought it right to be his advocate in the House upon a matter pending between the two Governments. The Chancellor of the Exchequer had already stated in the House, that when the question was settled he should be ready to give an explanation of the grounds upon which the decision was come to; but it was inconvenient that an hon. Member should get up and state in detail the case of the Government which was in adverse negotiation with Her Majesty's Government, under circumstances which made it impossible for Her Majesty's Government to state the reasons for their proceedings. The British Government were very anxious that the question should be settled upon fair and equal terms, and upon no other terms were they likely to agree to any settlement.

METROPOLITAN IMPROVEMENTS.

SIR R. H. INGLIS asked the First Commissioner of Woods and Forests in what state were the several improvements recommended by Her Majesty's Commissioners of Metropolitan Improvements in their successive reports, and reminded the House that the embankment of the river from Westminster-bridge to Blackfriars, and from Vauxhall to Chelsea, an improved communication between Pimlico and the west front of Westminster Abbey, besides improvements in the sewerage and drainage in the neighbourhood of Her Majesty's palace, were recommended in five different reports of the Commissioners; but, though the recommendations were approved by the Government, and the Commission was continued, the improvements were not carried out. It was a serious evil to many persons who had property in the places proposed to be altered. He (Sir R. H. Inglis) could not omit the opportunity, even in the presence of the noble Lord (Lord J. Russell), of acknowledging the munificent offer of the Duke of Bedford to expend no less than 13,000*l.* for the improvement of a portion of the metropolis.

VISCOUNT MORPETH regretted that the proceedings in regard to these metropolitan improvements must be reported as almost wholly stationary, not in consequence of any want of confidence in the Commission, but solely owing to the conclusive reason of want of money. The money required to carry the recommendations into effect must be raised in the first instance by mortgage of the land revenues; and all that could be fairly relied upon from this source had been anticipated for the four main lines from the Docks to Spitalfields, Coventry-street, Oxford-street East, and Endell-street.

STAMFORD ELECTIONS.

MR. PAGE WOOD rose, pursuant to notice, to move that—

> "A Select Committee be appointed to inquire into the allegations contained in the Petition of certain Electors and Inhabitants of the borough of Stamford, which was presented upon the 14th day of March last, complaining of the interference of the Marquess of Exeter, a Peer of the Realm, and Lord Lieutenant of the county of Northampton, at the late and former Elections of Members to serve for the said Borough."

He regretted that the subject which he was about to introduce to the House necessarily involved charges against an absent person; and he hoped that the House would bear in mind that the case he should endeavour to make out was one for inquiry, and for inquiry only. He was bound in justice to the petitioners and to himself to state, that when he was requested to take charge of the petition, he made it his first duty to state to the petitioners, that in his opinion theirs was a petition which ought not to be presented or proceeded with, unless they were prepared to assure him that they were confident of being able to establish the facts they alleged by the most unquestionable evidence. That assurance, however, he received in such a manner as to induce him now to assure the House, that the petitioners were most earnest in alleging their grievances, and were most confident of their ability to prove the facts which their petition set forth. That petition proceeded from more than one-third of the whole constituency, and was also signed by 193 non-electors. It complained of grievances of long date, stating as it did that the interferences complained of had taken place in Stamford at various periods, from the year 1830. The position of the borough was a somewhat singular one. In 1830 a severe contest for the representation took place, at which time the right hon. Gentleman the Member for Lambeth (Mr. C. T. D'Eyncourt) was an unsuccessful candidate; but in 1831 that right hon. Gentleman was returned against the influence of the Marquess of Exeter. At the time of that election Stamford was a scot and lot borough. It possessed 810 electors; but when the Reform Bill was passed, it had been thought expedient by this House, that a parish which originally formed no part of the borough of Stamford, and which was in fact situated in another county, should for all electoral purposes be added to the borough. That was the parish of St. Martin, situated on what he might call the Burleigh side of the river. The electors remonstrated against this arrangement, representing to the House that they were a scot and lot borough—that they had hitherto secured the return of representatives, notwithstanding the amount of family influence brought to bear on them; but that if the parish of St. Martin were to be added to the borough, and the 10*l.* franchise introduced, that the inevitable consequence would be the sinking of the borough under the domination of the noble Lord, of whose interference they now complained; and they therefore prayed, that if this parish should be added to the constituency, the elective franchise should be transferred from them to some other borough. Well, the evils which in that petition had been predicted were now fulfilled, and the prayer of the petitioners was, either that the grievances of which they complained might be redressed, or that their borough might be disfranchised. In 1832, after the addition of the parish of St. Martin, the constituency amounted to 850. The present constituency on the register amounted only to 575, although the borough now included the additional parish. Thus the number of voters was reduced, while the influence complained of increased. Of the 575 who were at present on the register, upwards of 190—that was to say, about one-third—were tenants of the Marquess of Exeter, while upwards of 194 signed the original petition, and seventeen had since signed a similar supplementary petition, making in all 211 electors, out of the whole number of 575, who alleged the facts which he should detail to the House. This was not, he might observe, a party petition, or one got up for party purposes. The last candidate for Stamford would, had he succeeded, have taken his place on the other (the Opposition) side of the House. Neither was it on the ground of breach of privilege that the petitioners brought forward their case, but on the grounds of elective interference, and in order, if the borough were to be represented, to make that representation a real and *boná fide* one, and not a delusion and a snare. The petition commenced by stating that the freedom of election was obstructed by the interference of the Marquess of Exeter, who was the owner of much property in the borough. It went on to set forth—

> "That the said Marquess further interferes in the said elections by authorising and sanctioning promises in his name to many of the electors, that they shall occupy, as tenants, property belonging to him in eligible situations in or near the said borough, provided they will vote for the candidates nominated and selected by him, and by authorising and sanctioning threats in his name to many of the electors who are his tenants, that they shall be discharged from such tenancy if they do not vote for the candidates nominated and selected by him. That the said Marquess further interferes in the said elections by fulfilling the promises and threats so made in his name, and by giving the tenancy of premises to electors who have voted in accordance with his declared views and wishes, and discharging from their tenancy many of the electors, being his tenants, who vote in opposition to such his views and wishes. That the said Marquess, being such Peer of Parliament as aforesaid, has so interfered at all the recent elections for Members to serve for the said borough in Parliament, and in particular he did so interfere at the last of such elections. That the said Marquess, by such his interference, influences votes, and procures them to be given contrary to the intentions and opinions of voters sufficient in number to control and decide the election, so that in fact the Members returned to represent the said borough are the representatives of the Marquess, and not the representatives of the majority of the electors of the said borough. That such the interference of the said Marquess, as your petitioners submit, without reference to his Lordship's position as a Peer of Parliament, is a violation of the undoubted right of the electors of the said borough freely to elect Members to serve for them in Parliament, and amounts to the systematic bribery and intimidation of the electors of the said borough by him, within the meaning and intent of the laws in force against bribery and intimidation. That the said Marquess, being a Peer of Parliament, has, by so interfering and concerning himself in the said elections, also contravened the resolution of your honourable House on that subject, and has thereby infringed the liberties of the Commons of the United Kingdom. That, in verification of the foregoing statement, your petitioners rely on the following facts, which they pledge themselves to prove, if your honourable House shall deem an inquiry into the case advisable or necessary. At the general election which took place in July and August, 1830, it was notorious, in the said borough, that two of the candidates, namely, Lord Thomas Cecil and Lieutenant-Colonel Chaplin,

were approved by the said Marquess; and such his approbation of them, and also his opposition to Mr. Tennyson, the other candidate, were openly and constantly communicated by the persons canvassing for the said Lord Thomas Cecil and Colonel Chaplin, and by the agents of the said Marquess, to such of the voters as were likely to be influenced by such communications; and at the same time promises and threats, to the effect hereinbefore mentioned, in reference to the tenancy of the property of the said Marquess, were openly and constantly made by such persons to the said voters; and immediately after the election such promises and threats were carried into execution; and, in particular, upwards of thirty tenants of the said Marquess, who had in any way promoted the election of the said Mr. Tennyson, or who had abstained from promoting the election of the said Lord Thomas Cecil and Colonel Chaplin, were, immediately after the said election, discharged from their tenancy, while none of the electors who had forwarded the declared wishes and views of the said Marquess were so discharged. Precisely similar proceedings were adopted by and in the name of the said Marquess at the election of Members to serve in Parliament for the said borough, which took place in the month of December, 1832, when Colonel Thomas Chaplin, and George Finch, Esq., were the candidates approved by the said Marquess, and Mr. Gregory was the candidate in opposition to his views and wishes. At the recent election, which took place in the month of July, 1847, there were three candidates, namely, the Marquess of Granby, the right hon. J. C. Herries, and Mr. Rolt. The first announcement of the Marquess of Granby and Mr. Herries as candidates was made to some of the principal inhabitants of the town, by letter from Mr. Walford, the London solicitor of the Marquess of Exeter. Mr. Walford has no connexion with Stamford except as such solicitor for the said Marquess, and is in frequent communication with the authorities of the said borough, and with the inhabitants, on the Marquess's affairs, and not on any other business. During the election statements were constantly and openly made by persons canvassing on behalf of the Marquess of Granby and Mr. Herries, and by the agents of the said Marquess, to the effect that the Marquess of Exeter approved of them as candidates, and was opposed to Mr. Rolt; and promises and threats, to the effect hereinbefore-mentioned, in reference to the tenancy of property of the said Marquess, were constantly and openly made by the persons so canvassing, and by the said agents, to such of the voters as were likely to be influenced thereby. Reference was frequently and openly made at public meetings, as well on the hustings as elsewhere, and in public journals and other publications, to the facts, that the voters were threatened with the Marquess's displeasure if they, in any way, promoted Mr. Rolt's election; and that the voters believed, and were acting under the belief, that they would be discharged by the Marquess from their premises if they promoted his election; and the facts so referred to were never controverted by any one except by the candidates themselves averring that they were not the nominees of any one; and, on the contrary, the understanding which openly and notoriously, and with just reason, prevailed amongst the tenantry, that they would be discharged from their premises if they did not promote the election of the candidates approved by the Marquess, was, in every way, encouraged by many of the persons who canvassed for the said candidates, and by the agents of the said Marquess. At the election twenty-seven of the tenants of the said Marquess of Exeter, and the son of another tenant, promoted the election of Mr. Rolt, either by voting for him alone, or for him and also for one of the other candidates, or by abstaining from voting at all. Since the election, and previous to the following quarter-day, discharges or notices to quit had been served, by the authority of the said Marquess, on twenty-two of the said twenty-seven tenants; while no other general change had been made in the tenancy of the said Marquess's property. After such notices to quit had been served, one of the said twenty-two tenants waited personally on the said Marquess, and explained, consistently, as your petitioners believe, with the fact, that he had voted for Mr. Rolt by mistake, and in consequence of the confusion he was in at the polling booth; and the said Marquess replied to him, that he did not believe in the mistake, and that he should consequently not allow the notice to be withdrawn."

The hon. Gentleman continued: Were these facts to be proved, a clear and distinct case would be made out, with which he considered that the House was bound to interfere. The House would observe that the petitioners alleged that promises were made and threats held out by the agents of the Marquess to induce parties holding under him to vote for or abstain from voting against certain candidates; that the Marquess sanctioned and ratified the acts of his agents by causing notices to quit to be given with reference to the election; and when one of the parties thus served requested for a withdrawal of the notice, on the ground that he had voted for a certain candidate by mistake, the Marquess would not consent, on the plea of his not believing the excuse urged, thus showing that the notice had been served because the party had voted against the wishes of the Marquess. The petition then went on to allege certain other matters. The petitioners stated—

"That local questions requiring the assistance of Parliament sometimes arise in which the interests of the Marquess of Exeter and of the inhabitants of the said borough are opposed to each other; and in particular a question of that nature arose in the last Session of Parliament in reference to a Bill prosecuted in Parliament for a railway to Stamford, which Bill was unanimously supported by the inhabitants of the said borough, but was successfully opposed by the said Marquess, after he had failed in obtaining from the railway company a large price demanded by him for land required for the said railway; and your petitioners and the inhabitants of the said borough believed, and still believe, that the effect of the influence successfully exercised by the said Marquess in the return of the Members serving for the said borough, was to place them the inhabitants in a worse position in Parliament than they would have been in if there had not been any Members serving in Parliament for the said borough; and your petitioners submit that the existence of such Parliamentary questions, in which the said Marquess and the said borough have or may have adverse interests, is an additional reason for preventing the said Marquess from controlling the return of Members for the said borough, or for disfranchising the said borough altogether."

With respect to the complaint of the petitioners as to their local interests, he would only say that they did not shrink from the proof of that part of the case; the consequence of the opposition of the noble Marquess to the Railway Bill therein referred to was to leave Stamford without a railway nearer than four miles; and the petitioners had declared to him that it only arose because the noble Marquess was not satisfied with the terms offered by the company for his land, although the railway company had offered him eighty years' purchase. With respect to the higher and more important complaint which they made, he should have thought that the mere statement of the case would have been sufficient to induce the House to assent to an inquiry. He did not ask that the truth of the statement should be admitted; but it was obvious that the representations of either side could not decide the question; and the more directly the statements were at variance the greater the reason for inquiry. As, however, he understood that his Motion was to be opposed, he supposed that some other grounds would be stated independently of the truth of the allegations. He could scarcely conceive that, at the present day, it could be said, that, if the statement of the petitioners were proved, it was not a grievance. It was true that in 1830 a similar Motion had been made with respect to Newark, and rejected; but that was a much weaker case, and then it was urged that there was no distinct allegation that the ejectment of the voters was connected with the elections; that case also occurred two years before the Reform Act, and he could understand that in those days it might be conceived that this was one of the rights of property; but that at the present day there should be found any one in that House who could justify this course of proceeding, or uphold the famous saying in the Newark case, that "a man may do what he will with his own," was to him inconceivable. *Sic utere tuo, alienum ne lædas,* was a general maxim of the law; and he submitted that no person had a right to accumulate voters of this description in any borough, any more than to create any other nuisance. Suppose that a landlord inserted a condition in his leases, that they should determine upon the tenant not voting according to the directions of the landlord, would it be said for a moment that such leases would not be contrary to law, and void? It might be said that he ought to have applied for a reference of the matter to the Committee of Privileges, or that the subject ought to have been submitted to an Election Committee. But with respect to the Committee of Privileges, it would be found, on a reference to former cases, that the intervention of such a tribunal would afford no relief to the petitioners. The only instance of any relief in respect of breach of privilege was, the removal of a bishop of Worcester from the post of Lord High Almoner to Queen Anne. The real principle which those petitioners desired to establish was, that of freedom of election. It was only on the principle that the House should interfere to secure freedom of election, that they, at various times, proposed resolutions against any persons meddling with elections whether they were connected with the other House of Parliament, or might be supposed to be under the influence of the Crown from any other cause. In 1784 they passed resolutions against the interference of any custom-house or excise officer, and prohibiting any other person holding a situation under the Crown from exercising any authority in the election of Members of Parliament. It was evident that where a Peer of the realm interfered, it was a great aggravation of the offence, inasmuch as he had a distinct and powerful influence, independently of that which he thus unconstitutionally exercised. In 1641, the Commons' House of Parliament asserted their rights by passing strong resolutions respecting the conduct of Peers who had written letters in reference to the election of Members, which they asserted to be a high breach of privilege. The reason for considering the interference of a Peer to be more objectionable than that of a person in a humbler station was, that the Peer possessed influence in the House of Parliament wherein he sat by right. His voice was given not in the election of a representative, but as of itself countervailing in Parliament the voice of the representative of such boroughs as Liverpool or Manchester; and it was essential for that branch of the Legislature which did not depend for existence on the mass of the people, to be maintained in as respectable a position as possible, and for that end to confine itself within the limits of its own proper privileges. He felt that when a Peer of the realm stepped out of his proper sphere, and, not contented with exercising his rights and influence in his own House of Parliament, interfered with the election of Members of the other House, the Commons of England had a right to interfere also, and to tell that Peer they would not allow such unconstitutional and illegal conduct; that he should confine himself to his own House—

> . . "illâ se jactet in aulâ,
> Non illi imperium pelagi."

By the Declaration of Rights, and by the 2nd William and Mary, the House had defined and secured their privileges. The latter Act was passed in order to restrain the nomination of Members for the Cinque Ports by the Lord Warden, and forbade that officer to interfere in future with such elections. The present case, therefore, was not a mere matter of privilege—it was in effect a question whether the election of Members of the House of Commons should or should not be free. If the House did not step in and vindicate their rights—if this course were pursued in future—it would be impossible, as it would be impolitic, to give this borough the right to return Members to Parliament. The question of presenting an election petition on this question had been mooted, and it would no doubt be contended that such would have been the proper course to pursue. But who was to present it? The grievance complained of did not affect the successful candidate; it might not much affect him who was unsuccessful. He might not wish to incur the expense and vexation of a petition to the House. Was he (Mr. Wood) to be told, then, that the rights and privileges of the electors were to be outraged and set at nought, and that when they complained of the invasion upon them, they were not to be listened to unless they could fight under the shield of some person who thought the conflict was calculated to promote his own interests? A doctrine of so monstrous a character could never, he was sure, be sanctioned by the House of Commons. But there were precedents in support of the views he entertained on this subject. The noble Lord at the head of Her Majesty's Government had repeatedly, previously to the Reform Bill, and more particularly in the years 1829 and 1830, endeavoured to carry some strong resolutions in the House with regard to general bribery at elections—independently of any particular acts of bribery in the case of any individual borough; but the noble Lord was not successful. In the fifth and sixth years of Her present Majesty, however, a Bill was passed, by which a power was given to investigate cases of general corruption by Election Committees of that House. In the year 1835, however, before the Act he referred to was passed, petitions were presented from the city of York and the borough of Great Yarmouth, complaining of general and universal bribery and corruption. A Select Committee was moved for to inquire into these allegations. The argument used against the Motion on that occasion, and which he supposed would be used now, was, that you should not send those cases to a Select but to an Election Committee; but that argument did not avail. The noble Lord contended that there were no other adequate means for investigating the allegations but by referring the petitions to a Select Committee. The Committee was accordingly appointed, and that Committee reported to the House. This he conceived was a case directly in point. In the present case, to which he was calling the attention of the House, the allegation of the petitioners was, that general intimidation had been exercised over the voters in the borough of Stamford. Now, according to the present law, charges of general intimidation could not be inquired into before an Election Committee, any more than charges of general bribery and corruption could be inquired into before such a Committee previously to the passing of the Act of 5 and 6 Victoria. When, in 1839, the present Secretary of the Home Department moved for an inquiry into the state of the law with reference to bribery and intimidation, with a view to put a stop to intimidation as well as bribery, the right hon. Gentleman observed that it was the duty of the House to inquire whether it would not be beneficial to enable Election Committees to deal with cases of intimidation as well as with bribery and corruption. But no Act had yet been passed empowering Election Committees to inquire into that branch of the evil. He would contend, therefore, that the two precedents to which he had referred, namely, the case of the city of York and that of Great Yarmouth, were exactly applicable to the present case. At present there existed no legislative power to refer cases of general intimidation to an Election Committee; in 1835 no such power existed to refer cases of general bribery and corruption to an Election Committee; but as in 1835 cases of general bribery and corruption were referred to a Select Committee, so now, in 1848, might a case of general intimidation be also referred to a Select Committee. He might be asked what remedy he would suggest for an evil like the one of which these petitioners complained? He might, if he pleased, suggest the ballot. But if that were not adopted, and if no other means could be devised to protect the parties from intimidation, why, then, they might be disfranchised. Ay, these petitioners had a right to be disfranchised—strange as the words might sound. True, at the present moment, the franchise was becoming too highly appreciated to be lightly diminished; but if, under the name of a highly important political right, it really proved to be nothing less than "a mockery, a delusion, and a snare" to those who possessed it, then he would contend that the parties so grievously affected had a right to be delivered from that mockery, and rescued from the degradation to which they were subjected. He believed that these persons were desirous of retaining their rights, but not on such conditions as made it impossible for them to exercise those rights in a free and independent manner, and in a way which could alone make the franchise valuable to them. The House, then, having already adopted resolutions in respect of bribery which bore most strongly and distinctly upon the very point in question, and there being no power to refer cases of intimidation to any but a Select Committee for inquiry, it would be most inconsistent for them now to take a step in a contrary and retrograde direction. Even very lately the House had, in regard to the influence on tenants to whom holdings were promised, passed resolutions on a case similar to the present, so that they would be very inconsistent indeed if they now turned round and went in a totally different direction. He referred to the report of the case on the Lyme Regis election, in which it was stated that a gentleman had lent money to persons on the condition that they should vote as he wished; and the noble Lord (Lord Ashley), who was chairman, reported in their name that they desired to impress on the House the necessity of putting an immediate check to such transactions, which would totally destroy all freedom of election. Would any one point out to him the difference which existed between giving money to persons to vote as the giver wished, and putting them as tenants into houses on a similar condition? The cases were entirely parallel. Every one of the tenants who voted against the wishes of the noble Lord had been dispossessed, and others put in their place, with the single exception of the individual who had held the extraordinary conversation alluded to in the petition. If the House refused to interfere in such a case at once, the country would think there was some special cause for their refusal to investigate; and what the cause was he could not imagine, unless it were that the offender was a Marquess. These complaints against the noble Lord were not new; for years he had been complained of as taking the same course with respect to this borough. Mr. Parkes, a parliamentary agent, who was examined before a Committee of the House some years ago, declared that the borough of Stamford was a most striking and singular instance of intimidation; and the inhabitants had constantly complained of the manner in which the noble Marquess had interfered with the freedom of election. In bringing this question before the House, he was actuated by no party spirit—he begged entirely to disclaim all political partisanship. Many of the persons who signed the petition held totally different opinions; and the very first name on the list was that of a gentleman to whose views he (Mr. Wood) was entirely opposed. The present was a most favourable moment for entering into this inquiry, because there was an absence of those more acrimonious party feelings that sometimes existed in the House; but it was not a favourable moment to refuse it. Was that a time to shut the door against inquiry, when questions were raised respecting the purity of the returns of Members to the Legislature? Was it not desirable that the people of this country should have the most complete respect and confidence in those who represented them? It was equally of extreme importance to Members of the other House, and to the noble Marquess himself, that this charge should be answered, for they could not afford to treat with disrepect the Members of the House of Peers, nor to shake the good feeling which the people entertained for them. If the principle which led to the destruction of decayed boroughs was to be abandoned —if the principle of the Reform Bill was not to be carried out *boná fide*—if the House were to make a retrograde step, and shield from injury a borough as corrupt as any which existed under the old system, the House would take a most dangerous course. He did not desire to see any change of a serious or sudden character effected from without, or through any other instrumentality than that of the Legislature itself. On the contrary, he thought all our improvements should be connected with the past state of our constitutional Government, and be carried out by constitutional means. Everything of a legislative change which was not connected with the past, would, as he believed, have a very brief future. He should be sorry, indeed, to see any departure from the method by which the country had carried the Reform Bill, namely, by the established channels of our Legislature; and it had been an object of rejoicing with him, as with others, that they had succeeded in carrying that Bill so long ago; for if the storm which had burst upon Europe last February had come over this country at a time when that great measure had been refused, who could tell what would have been the consequences? Many who opposed the Reform Bill in that day were now most delighted that it had been successful, and that the tempest which spread over Europe had not found this country in a state of political agitation and in a struggle for political rights. It was satisfactory to find that the old channels in which the streams of the constitution were wont to run, had not become so obstructed by age and corruption but that they were able to bear the mighty throbbings of the nation's heart, and to convey to all its members the wholesome currents of strength and nutriment, by means of which this country had been enabled to hold her ground during the present formidable career of revolution. No one could say what would be the state of the country, or what would be the effect on the minds of the people, if, by refusing this inquiry, the House evinced a tendency to a retrograde policy. The House signed their death-warrant the instant they showed, by one single act, that they ceased to possess that principle of vitality which alone should animate them—the principle of progress. Then, indeed, they would enter on a period of decay, the end of which must be dissolution. On the grounds of public benefit, in a strictly Conservative view in the strongest sense of the term, he came forward to call their attention to this subject; and, in conclusion, he would say that, by remedying the evils he had pointed out, they would secure the continued felicity and prosperity of the empire. The hon. and learned Gentleman concluded by submitting his Motion to the House.

Mr. T. D'EYNCOURT rose to second the Motion, which, in a speech as convincing and eloquent as it was refreshing, from its true constitutional spirit, his hon. and learned Friend had made to the House. He agreed in every sentiment of that speech, and in every opinion the hon. and learned Gentleman had uttered. The course the House must take was plain. Who could suggest any other course than that proposed to them? How was the case to be met? In no possible way but by the denial of the facts alleged in the petition. No one could defend the course taken by the noble Marquess, if these facts were true. Did the noble Marquess opposite (the Marquess of Granby) mean to assert that the Marquess of Exeter had done nothing condemned by law, and had only exercised his rights as a landlord? Would he attempt to say the noble Marquess had a right by law to turn out his tenants because they did not vote according to his views? His hon. and learned Friend had brought forward a great constitutional question, and as such the House should deal with it. If they refused to grant this Motion, they would become parties to the deeds of the noble Marquess, and mix themselves up in the blame attributable to his conduct. Thus they would give their assent to one of the grossest violations of the constitution ever brought under the notice of the House; and the people would look upon it in the same light, and estimate them accordingly. He had suffered in 1830 and in 1831 from similar acts on the part of the noble Marquess, who gave notice to quit to those tenants who voted for him (Mr. D'Eyncourt). In 1830 and 1831, a question arose as to whether the district of St. Martin's, nineteeen twentieths of which belonged to the Marquess of Exeter, should be included in the borough of Stamford. It was decided that it should be, although that district was in another county, and on the other side of the river; and at that time he (Mr. D'Eyncourt) predicted that the time would soon arrive when there would be plenty of food for another Schedule A, as this system of adding large tracts of land to boroughs would have the effect of swamping the town constituencies, and placing the representation in the hands of the landholders. There could be no doubt of one fact connected with the present case, that public opinion loudly condemned all those proceedings. The House would not do well in rejecting that Motion. His hon. Friend near him (Mr. Hume) suggested to him that if they did, it would afford great help to him on the Motion which he intended bringing forward for the general improvement of the representative system of this country, on the 24th of the present month. He contended that they had no right to inflict on the people of any borough a franchise, the exercise of which would be in opposition to their conscientious feelings; and the petitioners from Stamford called upon the House to relieve them from such a condition of slavery as that to which they were at present subjected. It would be better for the Parliament at once to say, Let Lord A or Lord B return Members for such and such places, than make human beings slaves as they were under the present system. It was a system which gave a show of representation to a constituency, but which in reality placed the power in the hands of a few individuals. He thanked the House for thus allowing him to state his reasons for thus seconding the Motion of his hon. and learned Friend.

The MARQUESS of GRANBY was anxious to take as early an opportunity as he could to answer the speeches of the hon. Members opposite, as well as the allegations contained in the petition to which they had referred, in order that the House might come to a fair and proper conclusion on the subject which had been brought before it. He acknowledged he had no reason to complain of the speeches of the hon. Members who had introduced and seconded the Motion; but at the same time he should have felt more obliged if they had taken a little more pains to separate the wheat from the chaff, in referring to the charges contained in the rather lengthy document which was presented to them. He confessed it seemed rather difficult to divide the important matter from that which was not so. He did not like to trouble the House by again reading the petition, which had already been referred to at so much length; but he could hardly answer the allegations of that petition without reading them. The petition commenced by saying, that—

> "Freedom of election in the said borough is obstructed and prevented by the interference of the most hon. Brownlow, Marquess of Exeter, a Peer of Parliament, Lord Lieutenant of the county of Northampton, in which county part of the said borough of Stamford is situate, and also Lord Lieutenant of the county of Rutland; that the said Marquess is the owner of large property in the said borough, and that a considerable portion of such property is occupied by persons who are, by virtue of their tenancy thereof, or otherwise, electors of the said borough; that the said Marquess interferes in the said elections, by nominating and selecting candidates to be submitted to the electors; and that after such candidates have been so nominated and selected by him, the fact of such nomination and selection by him is made public in the said borough."

Now, with regard to the imputation that the Marquess of Exeter had interfered with elections in the borough of Stamford, he believed that the hon. and learned Member had himself stated that it was not upon that ground that he was going to move for a Select Committee, though that was certainly an aggravation of the charge. He thought that the hon. and learned Member had taken a correct course; for, although there was a resolution of the House of Commons in existence that no Peer of Parliament should interfere in elections, still that resolution was never put in force, and could not be enforced until it became the law of the land. But he would rest the defence of the Marquess of Exeter on different grounds. He should be able, he trusted, to prove to the House that that noble Lord had neither violated a resolution of that House nor a principle of the constitution. It was quite true, as alleged in the petition, that Lord Exeter had a large property in the borough of Stamford; it was true that that property gave him that constitutional influence in the place to which he had an undoubted right. But the noble Lord had another influence derived from a nobler, a higher, and more exalted source than that which his rank, station, and titles gave him—the influence of his virtues. As to the nomination of candidates, he denied that Lord Exeter did nominate candidates. The next allegation in the petition was as follows:—

> "That the said Marquess further interfered in the said elections by authorising and sanctioning promises in his name to many of the electors, that they shall occupy as tenants property belonging to him in eligible situations, in or near the said borough, provided they will vote for the candidates nominated and selected by him; and by authorising and sanctioning threats in his name to many of the electors who are his tenants that they

shall be discharged from such tenancy if they do not vote for the candidates nominated and selected by him."

Now, in reply to that allegation, he had to state most positively, that on no occasion had any agreement been entered into with the tenants as to the manner in which they should vote; and that no promises had ever been made, and that no threats had ever been held out, to tenants, with regard to any votes they might give. The petition went on to allege that—

> "Such interference of the said Marquess is, as your petitioners submit, without reference to his Lordship's position as a Peer of Parliament, a violation of the undoubted right of the electors of the said borough by him within the meaning and intent of the laws in force against bribery and intimidation."

The hon. and learned Gentleman who had brought the subject under the notice of the House, had anticipated the objection which he was about to make to that allegation. It was this—that if any interference of Lord Exeter had amounted to systematic bribery and intimidation of electors, the proper, the constitutional, and the straightforward course for those who complained of such interference would have been to have presented a petition against the return of the sitting Members. But, no doubt, wise and prudent considerations had prevented those gentlemen from adopting that course. No doubt they had directed their attention to the recognisances into which they should have entered. No doubt the words "frivolous and vexatious" had risen up before their frightened minds. No doubt the memory of certain agreeable evenings during which their minds had been feasted on hope, and their bodies on more substantial fare, had pleaded eloquently against the adoption of the course in question. It might be said that Mr. Rolt was poor, and was unwilling to present a petition against the return of his opponents. But it should be remembered, that a Bill introduced by the noble Lord opposite in the year 1842, gave to electors the power of petitioning Parliament against a return which they might have reason to believe had been effected by bribery and intimidation. That was, he maintained, the natural and proper course for the parties who had signed the petition before the House to have pursued. The hon. and learned Gentleman had compared that case to the recent case of Mr. Attwood. But there was a material difference between the two cases, inasmuch as no agreement with respect to their votes had ever been entered into with Lord Exeter's tenants at the period of their taking their holdings. He would not then enter into any discussion of the proceedings which it was alleged in the petition had taken place in the year 1830; that was to say, seven years before he had had the honour of a seat in Parliament. It seemed to him that it would be a mere waste of the time of the House to go back to the transactions of so distant a period. He would, therefore, proceed at once to what he conceived to be the principal charge made against the Marquess of Exeter. That charge was—

> "That twenty-seven tenants of the said Marquess of Exeter, and the son of another tenant, had promoted the election of Mr. Rolt, either by voting for him alone, or for him and for one of the other candidates, or by abstaining from voting at all; and that notices to quit had been served on twenty-two of the said twenty-seven tenants, while no other general change had been made on the said Marquess's property."

Now he would, in the first place, suppose that that allegation was strictly and entirely correct; and he would then ask the House whether it could interfere in such a case, if he could show, as he believed he could show very clearly, that there had been no previous intimidation of the electors, and that there was no connecting link between the notices to quit and any threats or promises held out to the voters before the election? The House could only interfere in that case, as far as he could see, in one of two ways. They should either lay down a broad, distinct, and universal rule that a tenant who might have voted against the opinions, or the supposed opinions, of his landlord—and in these days it was not always easy to know what were the opinions of any man—could not afterwards be ejected from his holding without a violation of the freedom of election; or that that House should become a sort of general agent for the property of the kingdom, and determine what were the motives which might have influenced landlords in their dealing with their tenants. Those were the only two ways in which the House could interfere in such a case as that; and he believed it would at once be admitted that each of them would be inexpedient and impracticable. There was a passage in the petition which showed that the petitioners themselves did not wish for the adoption of any such course. He alluded to that passage in which they stated that—

> "None of them desired in any way to interfere with the rights of a landlord over his tenants, or

to disturb what the said Marquess had thought fit to do with his tenants."

He submitted that from those words of the petition itself it would be impossible for the House to interfere in the matter. He had been arguing as if the allegations had all been strictly true, whereas they were in reality gross exaggerations. The petition stated that there were 28 persons who either voted for Mr. Rolt, or had abstained from voting all. Now, instead of 28, the number was 29. The petition went on to allege that out of the 28 no less than 22 had received notices to quit. The fact was, however, that instead of 22 the number was only 14. [*Laughter.*] Why, that was a reduction of one-third. He had further to state, that two tenants who had voted for his hon. Colleague and himself had received notices to quit, and that notices to quit had been served on tenants who had no votes, while 13 tenants who had voted for Mr. Rolt had received no notices whatever. The hon. and learned Gentleman had talked of the grossly unfair means by which the Marquess of Exeter had influenced the elections for the borough. Now, in reply to that charge, he (the Marquess of Granby) had to observe that no less than 27 females occupied houses above the yearly value of 10*l*., on the property of the Marquess of Exeter in Stamford. Surely if the object of the Marquess of Exeter was solely to get the borough under his control, he would have given the houses of those females to persons who would have a right to vote. But there was a special case, which was said to be one of great hardship. He alluded to the case of an elector who, it was alleged, had gone to the Marquess of Exeter and stated that he had voted for Mr. Rolt by mistake, whereupon the Marquess said he did not believe it was a mistake, and that he should consequently not allow the notice to be withdrawn. Now he had to declare that at the time of the alleged interview no notice had been served on the tenant in question. That tenant had, during many years, been employed as an artificer by the noble Marquess at wages of 5*s*. a day, and had received from him innumerable favours. When Lord Burghley had come of age, that tenant had, in common with all the other artificers employed by the family, received a sum of 25*l*. Now, he did not think it very extraordinary that so long as human nature should continue what it was, the Marquess of Exeter should feel the ingratitude of that man. He did not think that the Marquess of Exeter would have acted a harsh or unfeeling part, even though he should have deprived that tenant of his house. But the fact was, that he had not deprived him of his house; he had merely raised his rent from 30*s*. to 40*s*. a year. He confessed he somewhat regretted that the hon. and learned Gentleman should have mixed himself up with that petition, knowing as he did the constitutional views which the hon. and learned Member entertained. He regretted it, because he believed that the object of many of the petitioners was not to present a petition against an improper interference at the late election for Stamford, but to prevent property having that influence to which it was justly entitled, and to prevent virtue receiving its reward. He believed the hon. and learned Member had taken that foundling petition under his charge, in order to hang a ballot-box around its neck. He admitted that the hon. and learned Gentleman had not expatiated much on the question of the ballot. For his part he would make but one remark upon the advantages or disadvantages of that mode of voting; and it was this—that he believed the great majority of the people of this country, from habit and from feeling, whether they wished to vote for their landlords or against them, would prefer doing so in the face of day. He was afraid that if the system of voting by ballot were adopted, much evil would arise from the fact that a large class of persons could no longer be guided in their votes by those on whom they were disposed to look as examples. He was afraid it would destroy many of the best feelings, and would prevent open and honest hearts from expressing their admiration and their gratitude to those from whom they had received favours and indulgence. Let him remind the hon. and learned Gentleman that the weapon he had then taken up had two edges, neither of which, however, was very sharp. In the first place, if the facts detailed in that petition afforded a good argument in favour of the ballot, they would also afford a good argument against an extension of the suffrage, because if intimidation and corruption prevailed under the present franchise, it was evident that it would prevail to a greater extent under a lower franchise. In the next place, he would remark that the petitioners had expressed a wish to be relieved from the franchise, which they stated to be a real burden. But he should object to the House of Commons acting in that case as a special constable, and enabling the petitioners to commit a kind of political murder on their townsmen. He should object to allowing those deluded men to cut their own throats. If it were true that the petitioners had no real grievance to complain of, he might be asked why it was that they had presented the petition? Now, he thought he could give a sufficient reason for their having taken that course. He must inform the House that the last election for the borough of Stamford had been attended with a severe contest, and that the self-styled oppressed minority had obtained within 48 votes of the number by which his right hon. Friend had been returned. It was not for him to state by what means—whether fair or foul—that result had been ensured; but the fact was as he had stated. The petitioners stated that—

> "Local questions sometimes arose in which the interests of the Marquess of Exeter and of the borough were opposed to each other, and in particular, a question of that nature arose in the last Session of Parliament in reference to a Bill presented in Parliament for a railway to Stamford, which Bill was unanimously supported by the inhabitants of the said borough, but was successfully opposed by the said Marquess, after he had failed in obtaining from the railway company a large price demanded by him for land required for the said railway."

Now the facts of the case relative to the railway were these:—In 1845 two lines were proposed, one called the Direct Northern, and the other the London and York. The Direct Northern was thrown out on Standing Orders. The Marquess of Exeter said he would oppose the London and York line, unless they made a branch to Stamford. They consented, and a negotiation was entered into. In the following year another line of railway was proposed between Peterborough and Syston. The inhabitants of Stamford then changed their opinion, and said they would prefer the Syston and Peterborough to the London and York, whereupon the Marquess of Exeter entered into a negotiation with the former company, which was carried out. The line was made, and was opened the whole way on the first of the present month. Last year an amalgamation took place between the London and York and the Direct Northern, and a deviation was proposed to Stamford. The Marquess of Exeter said the ground was occupied, and the necessity for the line superseded by the Peterborough and Syston Railway, and that he should oppose it. The line was referred to a Committee of that House, who decided, not only in consequence of the opposition of landowners, but also upon public grounds, that they could not grant the deviation. The benefits conferred by the Marquess of Exeter upon the borough of Stamford were acknowledged by a great majority. That some discontented individuals might be found there he did not deny; and although the attacks of such persons, when made against the Marquess, might fall harmless, he must be allowed to remind the House that, if they gave their sanction and encouragement to the presentation of such petitions, petitions might be presented against individuals whose honour might be as untarnished, though their position might be less exalted, than that of the Marquess of Exeter, and whose virtues, though as real, might be less generally known. Such accusations as these, he repeated, although false and unfounded, might be difficult of immediate refutation, and might inflict wounds in the breasts of such individuals which a life might scarcely suffice to efface.

Mr. COCKBURN said, that the House owed it to itself to entertain this petition, and the more especially as the statements of the noble Lord who had just sat down appeared to him to confirm, in the main, the allegations of these petitioners; for the noble Lord had gone so far as to admit that, if not twenty-two, at all events fourteen, of the voters referred to had been turned out of their houses. But the petition went on to state—"That the said Marquess further interferes in the elections for the borough of Stamford, by authorising and sanctioning promises in his name to the electors." And the answer to that was the statement that the agents of the Marquess did not insist in the agreements with the tenants on a condition to vote for his nominees. Of course not; because any such agreement would be unlawful, and would, besides, invalidate every vote given in respect to which such an agreement existed. But he would ask, if the course taken by the Marquess at former elections had impressed upon the farmers of that neighbourhood the belief that if they wished for beneficial leases they must vote for their landlord's nominees, the effect would not be the same as if a direct agreement had been made? He submitted that they ought to take the allegations as true until they were inquired into, for the petitioners did not seek to take steps upon them as facts; but they said, "Give us the opportunity, and we pledge ourselves to prove them." The House must not, then, be led away by statements made on behalf of the party accused. If the House were anxious to put a stop to what he must at present call a system of gross corruption, it must take measures for the establishment or non-establishment of the facts alleged. But it was said, this was not the proper course of proceeding—that the parties should have had recourse to an Election Committee. He would join issue on that point, and he asserted that it was not possible to prefer an election petition which would meet the circumstances of the case. An election petition could only be preferred with respect to matters affecting the return, and it was very doubtful whether the charges alleged against the Marquess of Exeter amounted to bribery. It could not hold unless the systematic corruption of large bodies of voters were involved, and of that there was no proof. It would, in fact, be perfectly idle to attempt to unseat the present Members, for the simple reason that the Marquess of Exeter could not be proved to be their agent. But then it might be said, why not proceed under the 5th & 6th of Victoria?—and on that point the same objection held good. The allegation in the petition, in a moral sense, amounted to bribery and corruption; but it was doubtful whether to a degree which would nullify the election under the 5th and 6th of Victoria. The noble Lord the Member for Stamford refused to go into what had taken place in 1830 as irrelevant; but when it was alleged that thirty tenants were then discharged in consequence of their votes, he thought it was material to inquire into that election, as proving the general interference at the elections alleged. In 1847, it was alleged that twenty-seven or twenty-eight persons received notice who voted against the sitting Members; and the noble Lord (the Marquess of Granby) acknowledged that fourteen had so received notice, and that twelve of the notices had been acted upon. One of these cases was a remarkable one. A man who had received one of these notices went to the Marquess to deprecate his resentment, and excused his vote by saying that it had been given in mistake. He happened to see the Marquess of Exeter in person; but that noble Lord refused to receive his excuses, and would not allow the notice to be withdrawn. What was that but the admission on the part of the Marquess of Exeter of the truth of the allegations, though it seemed that the notice was not enforced? [An Hon. MEMBER: It was never given.] Well, be it so; that was not at all material. [*Ironical cheers.*] Well, it certainly could not be material, because that was not put forward as a case of particular hardship, but as a proof of the means taken to get rid of those tenants who did not acquiesce in the election of the Marquess's nominee. Then the noble Lord (the Marquess of Granby) had mentioned that as a case of gross and extraordinary delinquency on the part of the voter. The man was, it seemed, an artificer at Burghley House; and shortly before, on the eldest son of the Marquess coming of age, he had received, in common with other persons employed, a donation of 25*l.*, and yet the man had ventured to vote as he liked. This was the base ingratitude which the noble Lord the Member for Stamford had denounced so eloquently. He (Mr. Cockburn) took a different view of the franchise. He did not think it was held for the exclusive advantage of the voter, or that it could be given to confer a gratification upon any other person, or to follow up sentiments of gratitude, favour, or affection. It was, on the contrary, entrusted to the holder for the benefit of the country, and he was bound to exercise it from a sense of duty only. It was, therefore, a monstrous and untenable position to say that because a man received a gift of 25*l.* he was the bondsman for ever of the donor. Well, were these allegations to be inquired into or not? How stood the law? Was there a principle more clearly established than that interference in the elections by the Peerage was a violation of the rights and privileges of the House? If the facts alleged by the petition were true, there had been a gross violation, in repeated instances, not only of the privileges of that House, but of the rights and privileges of the Commons of England. It was, therefore, the bounden duty of the House to institute a searching inquiry into the facts. What the remedy would be, they ought not then to stop and inquire. The law of England said that there was no wrong without a remedy. The House of Commons would not, he was sure, suffer such a wrong to exist without seeking and finding a remedy; and as the admissions of the noble Lord the Member for Stamford proved the case of his hon. Friend, the House was bound to prosecute this inquiry.

MR. HERRIES thought that the hon. and learned Gentleman who spoke last had not only distorted the meaning of his noble

Friend (the Marquess of Granby), but the facts of the case. The hon. and learned Member had also travelled very much out of the record; and he therefore must be allowed to recall atention to the contents of the petition itself, and he would show that the House could not, if it preserved consistency between its own acts, agree to the Motion now made. He would first discuss the position in which the petitioners presented themselves, and show that they were not in a position to ask the House to inquire into the allegations by a Special Committee. He would then prove to the House—but not as a reason for objecting to the inquiry, but in vindication of the Nobleman so unjustly assailed—that the allegations, in all material particulars, were decidedly and distinctly false. He would also show that the House could not pursue a course less suited to the honour and dignity of the institutions of the country, than the one proposed by the present Motion. He begged to state, in the first place, that the petition, by a most distinct and logical argument, led to a positive conclusion. He should assume for a moment, for the sake of the argument, that all the allegations were true; for it must be on that ground alone that the petitioners had any right to claim that their charges should be entered into. They alleged that the Marquess of Exeter interfered at the late election; and, to make it more plain, he would distinguish the late election from those which were antecedent, for the latter were only brought in to make the charges cumulative. How could they now inquire into matters which took place in 1830 and 1832? To apply himself to these would only be detaining the House unnecessarily, and withdrawing its attention from the real point at issue. But the allegations of the petition were explicit and distinct, and led most logically to a distinct conclusion respecting the election of 1847. They alleged that the Marquess of Exeter does, and did on the late occasion, interfere, by authorising and sanctioning promises, threats, and engagements, and—

> "That the said Marquess further interferes by fulfilling the promises and threats so made in his name, and by giving the tenancy of premises to electors who have voted in accordance with his declared views and wishes, and discharging from their tenancy many of the electors, being his tenants, who voted in opposition to such his views and wishes. That the said Marquess has so interfered at all recent elections, and, in particular, he did so at the last of such elections."

Nothing could be more clear and distinct; and to show that the petitioners knew all the consequences, and that they thoroughly understood what it necessarily led to, and how far the conduct they complained of was within the law and what were the laws offended against, he need only quote another passage, in which they stated—

> "That such the interference of the said Marquess is, as your petitioners submit, without reference to his Lordship's position as a Peer of Parliament, a violation of the undoubted right of the electors of the said borough freely to elect Members to serve for them in Parliament, and amounts to systematic bribery and intimidation of the electors of the said borough by him, within the meaning and intent of the laws now in force against bribery and intimidation."

Now, it was perfectly clear from this, as his noble Friend had already said, that if the allegations were honestly and truly made—if the petitioners knew that they could substantiate these charges—the course for them to adopt was perfectly open, and the conclusion naturally arrived at was, that they had the power to bring them before a Committee of the House of Commons, under the laws now in force for that purpose, and which had been recently made, in order to open the door as wide as possible to all cases such as this. The hon. and learned Gentleman (Mr. Cockburn) had said that it was a case which could not be made subject to an Election Committee; but he dissented from that opinion entirely. He believed that if any set of men could prove distinct acts of bribery and intimidation such as those alleged in the petition, and that the electors were induced to vote by such corruption, that they would succeed in setting aside the election at which such practices had taken place. But the noble Lord at the head of the Government had thought it his duty, in 1842, to bring in an Act specifically to provide for cases in which the electors might have difficulty in presenting their petition before it was too late by the rules of the House. That Act expressly provided for cases of this description. The noble Lord, by it, opened the door to parties bringing in petitions of this nature; but in order that all interests might be fairly dealt with, the power of doing so was restricted within a fixed and reasonable time. The noble Lord thereby provided that the Committee to be appointed for this special purpose, should have power to investigate such allegations upon oath; but in order that parties might not make with impunity frivolous, unjust, and unfounded accusations, they were to be bound by recognisances to be duly entered into, by which they became responsible for the expenses of the petition if not well founded: and the witnesses were subject to the pains and penalties of perjury. Those plain conditions were not very hard upon honest accusers; and if the present petitioners were such, they had the door wide open to them. But it might be said that it was possible that in this case the petition could not be got ready by the time Parliament met. On that point he held proof in his hand that, long before the meeting of Parliament, the petition was prepared and engrossed, and ready for presentation. The principal petitioner, indeed he might say, virtually, the only petitioner, the person whose name was signed at the head of the list (Richard Newcomb), was a person of property, and the proprietor of a newspaper at Stamford. In that newspaper he published, on the 10th of November, eight days before the meeting of Parliament, the following paragraph:—

> "The petition to Parliament complaining of the unconstitutional interference of the Marquess of Exeter, at the last election, has been engrossed and submitted to the inhabitants. The allegations of that petition are of such a nature that it will not be possible for the new Parliament to refuse to take cognisance of them."

Why, then, was it not brought before the new Parliament? Why were not those allegations at once brought to trial in the way the law provided? Why did they shrink from this tribunal? They knew the law well; they show in the very words of their petition how well they were acquainted with it—for they distinctly declare that the acts of which they complain came "within the meaning and intent of the laws now in force against bribery and intimidation." They had therefore no excuse on the score of ignorance to allege. But because they knew what the law required, and what conditions it imposed—because they knew that it rendered false accusations punishable as perjuries, and frivolous petitions subject to certain pains and penalties—they determined to have nothing to do with the tribunal provided by Parliament, and to evade the responsibility of making unfounded accusations, by making their application to this House out of time and rule, when no other investigation could be made into their complaints, except by a Select Committee. Now, the noble Lord must stand by his own Act, if he valued his consistency. The course prescribed by the law was open to the petitioners; and that law having been framed with the view of preventing such debates as the present, no policy could be worse than to reintroduce such discussions in the body of the House, because upon all questions connected with elections, it was impossible for the House, however disposed to do justice, to avoid being influenced by party feeling. But what was the defence of the hon. and learned Member for the petitioners not having taken this course? The hon. and learned Member had not stated any reason why there should be a Special Committee instead of a lawful Committee. The fact was, they dared not adopt that course; and the House was bound to consider whether it would be honest, fair, or just to those who were accused, to allow so unusual a proceeding. He hoped the House would stand by its own law, its own consistency, and its own character. It could not do better for the maintenance of its own character than pay respect to the character of others. He trusted, therefore, they would stand by the principle laid down by the noble Lord (Lord John Russell) in his own Act, and by the spirit of the constitution and laws of England. Gratitude to the majority by which he had been elected compelled him to take up this question; for the whole body of his constituents was more or less implicated in these charges. There must necessarily be two parties in all such corrupt engagements as were alleged to exist at Stamford. If the Marquess of Exeter, or his agents, entered into unlawful and unworthy engagements with the electors, they were no less guilty than himself in coming under corrupt obligations towards him. He (Mr. Herries) had the most full conviction that the accusation was equally unfounded with respect to either party. He was confident that the whole of these unsustainable accusations and aspersions had no other origin than in the vexation and disappointment of a small portion of the defeated minority at the last election; for the larger portion, even of them, would disdain to have recourse to them. In what he was about to state, in order to show how false and unfounded were the main allegations contained in the petition, he begged to be clearly understood by the House as not intending to make his denial and disproof of those allegations a ground for the rejection of the petition, or of the Motion of the hon. and learned Gentleman. He had already urged the higher grounds upon which that petition should be rejected; and he was well aware that the facts which he was about to state, and the letters to which he should refer, ought only to be received as counter assertions and declarations to those contained in the petition. It was necessary, however, for the vindication of those whom he was bound by every consideration of honour and justice to defend, that he should state the real facts of the case; and he trusted that the House would do him the justice of believing that he would state nothing but what he believed conscientiously to be true. The first and most prominent part of the case of the petitioners was, that the Marquess of Exeter habitually made engagements with his tenants, in which their holdings were made subject to the condition that they should vote according to his wishes. He (Mr. Herries) declared there was not one word of truth in that. He repudiated any subterfuge, such as that alluded to by the hon. and learned Member, that the engagement did not appear in the leases. He denied entirely that there was any such condition, or even any such understanding; and denied it on the authority of all the persons he had access to, who were most capable of giving exact information on the subject. The Marquess of Exeter had somewhere about 600 tenants in and near Stamford, and, of course, amongst so large a number, there must be constantly many changes. The agent employed by the Marquess of Exeter in the letting, &c. of all this property, had—unsolicited by him (Mr. Herries), but hearing of this petition, and the allegations it contained—taken the trouble of writing to him a letter, the contents of which he would state to the House. The letter bore date the 7th of March, and the writer stated, that in consequence of the allegations contained in the petition presented to Parliament relative to the late Stamford election, he felt it incumbent upon him to affirm, that neither he, nor any person under his direction, had at any time asked any tenant of the Marquess of Exeter to vote for Lord Granby and himself at the late election for the borough of Stamford. This gentleman also stated that he had been previously desired by the London solicitor of the Marquess not to ask any tenant to vote for the Marquess of Granby or himself; and he added that, on the very day of the election, he was earnestly entreated by the father of a voter to influence his son, who was considered to be wavering, and he refused to comply with the request. The same gentleman said, with regard to the charge of intimidation, that he never heard of a threat being held out to any voter, and that he did not believe any such threat had been made; and he stated further, that all the property of the Marquess of Exeter in Stamford was let through his hands, and that on no occasion had any condition been required from any person previously to his becoming a tenant of the Marquess, that he should vote for any particular candidate to be nominated at any future election. He considered, therefore, that the allegation of the petition that the Marquess of Exeter had authorised many of the electors to occupy, as tenants, property belonging to him in eligible situations in the borough, provided they would vote for the candidates selected by him, was satisfactorily answered. The petition also alleged that the Marquess of Exeter put forward his nominees as candidates for the borough of Stamford, and that the first intimation that the Marquess of Granby and himself (Mr. Herries) were candidates for that borough at the late election was by letter from Mr. Walford, the London solicitor to the Marquess of Exeter, to some of the principal inhabitants of the town. Now, what were the facts? Mr. Walford was a very old friend of his; and being well known by the solicitor of the Marquess of Exeter, it was most natural that he (Mr. Herries) should avail himself of Mr. Walford's services, when he entertained the idea of presenting himself as a candidate to the electors of Stamford. But Mr. Walford wrote only two private letters, and those under the immediate direction, and in the presence of himself (Mr. Herries), announcing his intention. The Marquess of Exeter had no more to do with the matter than any Gentleman in that House. Mr. Walford wrote one of these letters to the mayor of Stamford, simply mentioning that he intended to become a condidate for the borough; and at the same time Mr. Walford also wrote a confidential communication to the gentleman whose services, on account of his high character and station in the borough, he (Mr. Herries) was anxious to secure as the chairman of his committee. The first of these letters was formal and complimentary only, being addressed to the mayor on account of the office which he held, although he was well known to be hostile to the principles which he (Mr.

Herries) professed. The other was private and confidential. It so happened that those letters were transposed in the envelopes, and the confidential letter, addressed to the chairman of the committee, fell into the hands of the mayor; while the letter intended for the mayor was delivered to the gentleman who was requested to be the chairman of the committee. Now, he thought the House would admit that this would have been a very unfortunate circumstance if the letter intended for the chairman had contained any language which could have been twisted into a support of the allegations embodied in this petition. It contained nothing of the kind, and was, with some slight variations, only a mere repetition of the letter addressed to the mayor. Those variations related only to himself and to the peculiar grounds on which he hoped for the services of the gentleman applied to. So much for that part of the petition which sought to attach undue importance, and to give a false character to these communications from Mr. Walford. But he now came to an important charge which was made against the Marquess of Exeter by the petitioners; that which related to the dismissal of his tenants after the election. When he had seen the petition, he at once inquired whether the notices to quit, served by the agents of the Marquess of Exeter upon some of his tenants, subsequently to the election, were such as to afford just grounds for the allegations in the petition. He applied to the person most competent to afford him full and accurate information on the subject; and from that person, upon whom he could place the most entire reliance for the accuracy and fidelity of his statement, he received the following communication:—

> "I think it right to put you in possession of the true facts of the case. There were in all 29 notices to quit given to tenants, for various reasons. Of these there were, of electors who had voted for Mr. Rolt, 12; for Lord Granby and Mr. Herries, 2; who had not voted at all, 2; and of persons not being in any way electors, 13."

Of the 29, then, there were 17 who could not be supposed to have received their discharges on account of the way in which they had voted; and he contended that the House had no right to infer that the remaining 12 had been discharged on that ground. It had been asserted, that this was not a party petition; but he would venture to say, that a more completely party petition had never been presented to that House. It was the production of the Radical party, of whom there was a good sprinkling, some of them very respectable people, in Stamford, and who bore, as was the case in other places, very considerable animosity to the Conservative party. The petition was drawn up with great skill—he would rather say craft—and there was great unfairness in its representations. In order that the personal interference of the Marquess of Exeter might be inferred, it was stated that an old servant of the Marquess, who had been his tenant, and who had been served with a notice to quit, waited upon the Marquess, and stated that he had voted for Mr. Rolt by mistake, and that the Marquess replied that he did not believe in the mistake, and should not allow the notice to be withdrawn. Now, the fact was, that this person, who had been employed in the artificers' yard belonging to the Marquess, had been discharged from thence. He called upon the noble Lord, in all appearance artfully prepared on that subject, and thrust himself upon his notice to make his complaint, stating that he had voted for Mr. Rolt by mistake; in reply to which the Marquess merely said to him—"You are perfectly at liberty to vote as you please; but when you say you did not know which way you were voting, I cannot believe you." He would not for a moment suppose that the House would attach the slightest importance to such a trumpery attempt as this to convert a very natural, and in all probability perfectly true, expression as this into a confirmation of the charges made against the noble Lord: although there was no want of cunning in the mode in which it was introduced. But the House would be still more disposed to treat it with the contempt which it deserved, when he informed them that at the time when the interview in question took place no notice to quit had been given to this man; and, moreover, that he was at this very time still a tenant of Lord Exeter. Having thus disposed of all that was really material in the charges against Lord Exeter, in the petition, he would come to one of the statements which it contained, which was beyond all question strictly true—that Lord Exeter possessed great property in Stamford and its neighbourhood, and that by reason of that propertyhe also possessed great influence in the borough. There could indeed, be no doubt that those who presented themselves as candidates for that borough, would feel that his support, and countenance, and influence, must greatly assist them in their chance of obtaining the seat. The Marquess and his family had been closely connected with the borough for more than 300 years; and the great possessions which he was there master of, as well as the high rank and station which he filled, had descended to him through a long line of ancestry, from one of the most remarkable and most honoured statesmen in the history of this kingdom. What an imputation would it not be upon the character of a nobleman so descended and so endowed if it could be truly said of him, that in the immediate neighbourhood of his own princely abode, he possessed no influence? Nothing less than the absence of those public and private virtues, which in this case no man who knew the noble Lord would assert to be wanting, could deprive him of such influence. That such influence was truly legitimate and entirely consistent with the constitution of this country, he could not better show than in the words of the noble Lord now at the head of Her Majesty's Government. He well remembered to have heard those words delivered upon a most memorable occasion, and when he listened to them with great satisfaction, as some compensation at least for the distaste occasioned to him and those who thought as he did, by the proposal then made to Parliament by the noble Lord—he meant the announcement of the Reform Bill. On that great occasion the noble Lord said—

> "It may be said, that one great and injurious effect of the measure which I propose will be to destroy the power and privileges of the aristocracy. This I deny. I utterly deny that this plan can have any such effect. Where the aristocracy reside, receiving large incomes, performing important duties, relieving the poor by charity, and evincing private worth and public virtue, it is not in human nature that they should not possess a great influence upon public opinion, and have an equal weight in electing persons to serve their country in Parliament. Though such persons may not have the direct nomination of Members under this Bill, I contend that they will have as much influence as they ought to have."

Such, and such only, was the influence which Lord Exeter possessed, and legitimately exercised. But there was another great authority in that House, who addressed it in 1846, when Mr. Collett brought an accusation of interference at elections against certain Peers and great landed proprietors; and the object of which, like that of the present petition, was to attack the influence, not only of the aristocracy, but of the proprietary of the country. The right hon. Baronet the Member for Tamworth (Sir R. Peel) then said—

> "Now, to deny that Peers do exercise an influence upon elections would be perfectly absurd; and I hope the day may never come when the legitimate influence which they may exercise may be extinguished. But extinguish it, in fact, you cannot. Pass what laws you will, while the constitution of England continues, and while the feeling of Englishmen remains what it is, you never can extinguish that legitimate influence of which I speak. Take the case, for instance, of a Peer of great property"—

and here he (Mr. Herries) might be permitted to observe, that it might be almost imagined that his right hon. Friend had in his eye, while drawing this picture, the very nobleman now charged with such unworthy practices by these petitioners—

> —"the Lord Lieutenant of his county, having devoted his life to the performance of local duties —having been kind to his tenantry—having set an example of improvement in his neighbourhood —being at the head of the local society of his county, not by rules, but by character and station —to tell me that you can extinguish that legitimate influence to which I allude—why it is out of the question! And God forbid that the day should ever arrive, when the virtues of a Peer should not have their proper influence upon society!"

Such was the influence of the Marquess of Exeter; such was the wealth, and station, and conduct, and character, upon which that legitimate influence reposed, and which no attacks such as those which the petitioners directed against him could deprive him of. He would detain the House no longer, but upon these grounds call upon it to reject the Motion. The greater part of the petition was unworthy of notice, was mere trash. With respect to that part of it which was of a more serious character, he must again repeat, that if the petitioners really believed that they could prove the facts which they brought forward—if they were truly honest in that belief—they had a remedy by the law of the land which they ought to have availed themselves of.

Mr. HUME admitted that the right hon. Gentleman had made the best apology that could be offered by bring forward matters which had nothing to do with the subject. He had stated the Marquess of Exeter was a nobleman of great possessions, and of high character, benevolent, and respected by his tenants. The hon. and learned Member by whom the Motion was introduced had not used any expressions at all derogatory to the Marquess's character; on the contrary, he admitted that it was deserving of respect. No one on that side of the House would deny to property and character their legitimate influence; it was not against legitimate, but against illegitimate influence, that their efforts were directed. He had never heard a case more ably made out than that brought forward in support of the allegations in that long petition; and if the allegations of the petition were not proved, they at least demanded inquiry. The character of the House was impugned by such statements; and if the House did not attend to reports of that kind, made time after time, its character would not be safe, nor could the principles of the constitution with regard to elections be preserved. The right hon. Gentleman had produced two letters from Mr. Higgs; but he had not admitted what the House had a right to conclude, that there were many doubts about the previous conduct of the Marquess of Exeter. He had forgotten former instances in which the Marquess had not confined himself to interfering in the election. There was a right hon. Gentleman sitting near him (Sir G. Clerk) who could tell him that the Marquess had not only interfered in the nomination, but had afterwards used intimidation, because a vote had been given in Parliament in opposition to his own views. He considered the case for the petition to have been made out; but he cautioned hon. Gentlemen opposite against entertaining the idea that individual Members on that side of the House, who were in favour of changes in the representation, would ever refuse to property its just weight, or deny to noblemen and men of superior merit that just influence which they ought to possess, and which he hoped they always would possess.

Mr. GRANTLEY BERKELEY had expected that before the House went to a division, some Member of Her Majesty's Government would rise and say a few words, in order to justify the vote which he believed they were prepared to give, to reconcile it with their exertions to shield a great Lord Lieutenant on a recent occasion. He should be unfit to represent a free constituency if he shrunk from his duty, and he certainly felt it to be his duty to call attention to what had been done by a Peer in a county before they proceeded to a vote in reference to what had been done by a Peer in a borough. Two petitions had been presented to the Crown, complaining of the conduct of a Lord Lieutenant; and on all occasions when such petitions had been presented, an inquiry had usually taken place under the direction of the Secretary of State. In the instance to which he referred, no notice was taken of the petitions. If any magistrate had been guilty of the same conduct as the Lord Lieutenant had been in the case to which he alluded, he would have been removed from the commission of the peace, and an officer in the Army would have lost his commission. The voters of the county which he represented, now felt that they had no chance of obtaining redress at the hands of the Government.

Sir R. H. INGLIS said, the House was not then called upon to decide upon the merits of Earl Fitzhardinge, or to pronounce an opinion with respect to any contested election. The question was one of a very different character; and he should regret to find any hon. Member voting in favour of the petition if he had not heard the admirable speech of his right hon. Friend. He appealed to any man who had heard that speech, whether the principal allegation in the petition, namely, that as to bargaining by promises and threats, and the allegation as to enforcing the threats, after adverse votes had been given, had been sustained?

Lord JOHN RUSSELL said: Sir, I think it right to state, as shortly as I can, the reasons which will govern my vote on this occasion. I wish to say also, that I have made up my mind upon this question with very considerable doubt; that I shall give my vote personally, after hearing the whole of the debate, upon my opinion; and I do not wish in any manner to influence the opinion of any other Member of the House who may have come to a different conclusion upon this, which, though a constitutional, is, at the same time, in a great degree, a personal question. Sir, this case has been brought forward in a petition very artfully drawn, going into minute details and into a number of circumstances, stating that the petitioners do not wish to interfere with the legitimate influence of property, and, with great moderation, asking for some remedy against the grievances under which the petitioners declare they suffer. This petition, thus drawn up, has been very ably enforced by the hon. and learned Member for Oxford, in a speech likewise very temperate in its tone, very clear in its statements, and very powerful in its arguments. The question is, whether we shall make any further inquiry on this occasion? Now, the right hon. Gentleman opposite (Mr. Herries) met, in a most powerful manner, the allegations of the petition and the question before us. He based his opposition, first, on the ground of the remedy sought for not being a right remedy, supposing the facts to be grounded in truth; and, secondly, he denied altogether the main part of those facts. Now, with regard to the principal allegation, I own that my impression, from any recollection which I have of precedents in this House, and from what I have read in books concerning elections, and confirmed by so good an authority as the hon. and learned Member for Southampton (Mr. Cockburn), my impression is, I say, that supposing certain tenants of the Marquess of Exeter to have been told that they must give their votes according to the Marquess of Exeter's wishes—supposing them likewise to have been ejected from their tenancies in consequence of the votes they had given—yet, if those acts did not clearly affect the majority of votes at the election, the petitioners would not have had a remedy before an Election Committee. That is certainly my impression with regard to the state of facts, supposing those facts to be proved. Now, Sir, with regard to the matter upon which we are asked to inquire, there is, in the first place, a statement that it has been a practice to let houses to tenants, in suitable and advantageous situations, with a promise that they should keep them if they voted according to the wishes of the Marquess of Exeter; and a statement that they would be deprived of them if they did not. The right hon. Gentleman opposite has read a letter from an agent of the Marquess of Exeter entirely denying that such is the case. Now, if I am to give my own personal conviction, I must say that it agrees with the statement made by the right hon. Gentleman. I do not think that such a declaration would have been made by the agent, who must have been cognisant of all the facts, if it were not founded in truth; and I cannot therefore believe that any such condition has been imposed on the tenants. At the same time, there is an allegation brought forward in this petition, signed by very respectable persons, as they are admitted to be, I think by the right hon. Gentleman himself—whether they belong to the Radical party or to any other party, they are respectable in their station and character. This is their allegation; and although unless there were some further statements in the petition, it might not be worth while to have an inquiry, yet I do think it would be an advantage that there should be an inquiry as to the facts, and that the public mind should not rest upon such allegations if they can be disproved. But, Sir, there is a further allegation to which the contradiction is far less satisfactory—I mean with regard to the allegation, that certain tenants of the Marquess of Exeter, having given their votes in favour of another candidate than the one whom he favoured, had received notice to quit. The statement of the noble Lord the Member for Stamford with regard to that allegation—and I must say that with regard to that part of the case my mind is not satisfied—is, that the occupation of these tenants was not put an end to in consequence of their votes at the election. With regard to that part of the case, too, the right hon. Gentleman opposite says, that for some years previously there had been a number of removals—in some cases exceeding, and in others falling short of those which occurred in the year 1847. That, I say again, is a matter in which an examination should be made. The persons making those allegations having failed to prove that there was an evident political cause for those removals, and that there was a greater number of tenants removed after the election than had been on ordinary occasions, the substance of their allegations would be likewise removed. Now, Sir, with respect to a matter in regard to which there are allegations which may be proved, or of which the proof may fall short, with regard to the interference—I will not say of a Peer, but of a great landed proprietor, in the election of Members to serve in this House, is it worth while for us to-night to resolve that this House should institute a special Committeee of Inquiry? I should say that in voting that Committee of Inquiry, if the resolution of the House appointing that Committee were to be considered as in any way a condemnation of the conduct of the Marquess of Exeter, I should not concur in that vote; because, after hearing the speech of the right hon. Gentleman, I cannot but think that it is extremely probable—indeed most probable—that the allegation will be disproved, and that the Marquess of Exeter will be shown to have acted as the right hon. Gentleman has stated, which is, that the Marquess of Exeter, having considerable influence — legitimate influence — from his possession and property, that that influence was used in favour of those who agree with him in that political conduct which has never been concealed by him, and which is well known to the public from his votes in the other House of Parliament. If that influence, which may be fairly and legitimately exercised, be all that can be shown to have been used, and if those charges should prove to have been brought forward without being sustained, the public will be satisfied. And if, on the other hand, the allegations should receive any further corroboration, then, certainly, we should feel satisfied at the original institution of the inquiry. I certainly come to the conclusion, that those allegations having been thus made and thus supported, it is far better that there should be some inquiry, than that by our vote to-night we should agree that no further inquiry should take place; and I cannot leave entirely out of the question, any more than the hon. Gentleman the Member for Oxford the peculiar time at which this has occurred. If more is proved against the Marquess of Exeter than I believe is capable of proof, I believe there will be more advantage to the public by having the whole of the circumstances examined by a Committee, than by any one having it to say that there was a strong case brought before the House—that the allegations were not disproved—but that the House of Commons were ready, on the mere statements of the opposite side, partially to give their verdict without any further evidence. These, Sir, are the convictions in my mind—not arrived at without great doubt; and, admitting the great power and ability of the speech of the right hon. Gentleman the Member for Stamford, I shall give my vote in favour of the institution of the inquiry.

Mr. BANKES said, he had heard with the deepest regret the speech of the noble Lord. He regretted to find that the noble Lord was at this moment not only admitting the failure of the Reform Bill, which was to have set at rest all questions of bribery with regard to the constituencies, and charges of undue influence with regard to the aristocracy, but that he was shrinking from the principle he announced in introducing that Bill respecting the just and legitimate rights of the aristocracy. The noble Lord said he had come to the determination to vote for inquiry, after much doubt, difficulty, and hesitation, and that it was not his desire to influence the vote of any hon. Member in the House; but the noble Lord knew very well that his speech would determine the judgment of the House. And what was the tribunal to which this inquiry was to be referred? A tribunal which would conduct the inquiry without the sanction of an oath. The noble Lord must admit that the case was entirely without precedent, and if an inquiry were granted no one could say what would be the end of it. Supposing the statement of the right hon. Gentleman (Mr. Herries) turned out to be correct, and that the tenants of Lord Exeter who were displaced did not vote at all, where would the noble Lord be then? He (Mr. Bankes) could not but feel that the situation in which the noble Lord placed his party in the House was a most unfortunate one. The grievance complained of was that of an election petition combined with a railway petition. This Mr. Newcomb, the petitioner, was obviously a great authority in Stamford. He was standing forward against the person whom he chose to consider the village tyrant of Stamford, and having failed on his election and railway petitions separately, he said, "We will bide our time—we will combine those several grievances, and hereafter we shall, when the proper time arrives, bring them before the House of Commons in another shape." He now brought them forward, when the noble Lord said it was difficult to resist them on account of the political affairs of Europe; but was it right for the head of the Government of Great Britain to take such a course in reference to a matter which he admitted to be so doubtful? He was surprised to find a statesman of the noble Lord's experience and standing take such a course.

Sir R. PEEL: I concur with the noble Lord at the head of the Government in thinking that the decision of this question involves judicial as well as political considerations. In discussing it I shall attempt to exclude from my mind any bias which might improperly interfere with judicial determination; and, although I am not blind to the force of the arguments which the noble Lord has drawn from passing events and the temper of the public mind, I think that in a matter, if not exclusively judicial, partaking largely of the judicial character, it is, on the whole, the wisest and safest course not to permit ourselves to be influenced by temporary and extrinsic considerations, but, on the contrary, to adhere to principles applicable to all times and all circumstances. It is of the utmost importance that the House should not lightly depart from the prescribed mode by which the right of persons to sit in this House is determined. We have ample experience in past history of the abuses, I may say the corruption, which arises from permitting these matters to be decided by majorities. It is little more than 100 years since the termination of the Administration of Sir Robert Walpole; and every one who has paid the slightest attention to the history of that time is aware that Walpole's fall was preceded by constant conflicts as to the right to seats in Parliament, and that the decisions of the House were given not upon the merits of the particular case, but as the results of regular party conflicts, the contending parties invariably voting on opposite sides according as party feeling or party interest determined them. The very vote which determined the fall of that great Minister was one connected with the right to sit for some small borough—Chippenham, I believe. The House was at length so satisfied of the danger of permitting these questions to be determined by party rather than by judicial considerations, that some twenty or thirty years after that period Mr. Grenville introduced a Bill which attempted to put a check to the abuse. Since the introduction of the Grenville Act, constant attempts have been made still further to remedy the abuse—I mean the abuse of permitting the judgment of the House in such matters to be influenced by party and purely political considerations; and no one has laboured more than the noble Lord to elevate the character of Parliament, and to insure that the decisions of the House should be founded upon judicial considerations. The question then arises, shall we now supersede the tribunal which is appointed by law for the decision of these questions—a tribunal which has great powers adapted for the special purpose, conferred by Act of Parliament, one of them being the power of examining witnesses upon oath. As the law stands we have provided not only the means to decide judicially on contested claims to seats in Parliament, but also to check the practice of bringing frivolous and unfounded charges of bribery or other malpractices, by taking the precaution of compelling those who prefer such charges to enter into recognisances as a guarantee for their sincerity? Nothing can be more important than that a Member of Parliament should be able to exercise his functions independently, without molestation from parties preferring frivolous complaints. And if there be any party to whom it is of importance that the guarantees against such complaints should be maintained inviolate, it is the party which is in the minority. There would be the greatest danger to the free exercise of our functions in this House if a powerful majority could harass a minority, weak as far as numbers are concerned, by dispensing with the securities which the law has wisely provided against frivolous complaints of undue election. At the same time I am willing to admit that if any special case of gross abuse is brought forward, we are not to be prevented by a rigid adherence to existing forms from exercising those functions with which this House, as the great inquisitorial tribunal of the country, is invested. Does this petition allege gross abuses, the investigation of which is not provided for by law? It alleges distinct acts of bribery. I do not form that opinion from mere inference. In express terms the petitioners declare that—

> "The interference of the Marquess of Exeter, without reference to his position as a Peer of Parliament, is a violation of the undoubted right of the electors of the said borough freely to elect Members of the said borough to serve for them in Parliament, and amounts to systematic bribery and intimidation of the electors of the said borough by him within the meaning and intent of the laws in force against bribery and intimidation."

And that is not a mere general allegation, for the petition continues:—

> "That the said Marquess further interferes in the said elections by authorising and sanctioning promises in his name to many of the electors, that they shall occupy, as tenants, property belonging to him in eligible situations in or near the said borough, provided they will vote for the candidates nominated and selected by him, and by authorising and sanctioning threats in his name to many of the electors who are his tenants, that they shall be discharged from such tenancy if they do not vote for the candidates nominated and selected by him."

There is a distinct allegation in the petition, that the Marquess of Exeter said to many of the electors, "You shall occupy houses at reduced rents in a favourable part of the borough, provided you give a vote for the candidates of my choice." Who can doubt that that is an act of bribery? The petitioners assert that they do not complain of an isolated case, but that there has been a systematic course of bribery. I ask, then, why did they not observe the law and usage of Parliament, and present a petition at the time and according to the forms presented by that law and usage? They did not do that; and is there no danger, that if you permit persons to whom a tribunal is open—to whom you have given a power of appeal, provided they will only give a guarantee as to their sincerity—is there no danger, I ask, that, if you permit them to escape from that guarantee, and exempt them from the ordinary conditions of inquiry, this series of Acts, beginning with Mr. Grenville's Act, and terminating with the Act of the noble Lord, will be virtually superseded? Is there no danger that, instead of resorting to a judicial tribunal, you will have again appeals to this House, with the same results—decisions on mere party grounds, and grievous injury to the character of the House of Commons? But you say that the petitioners are poor—that the Marquess of Exeter is very powerful—and that these persons, groaning under oppression, have at length approached Parliament with a petition. But you have provided for that case of poverty on the part of petitioners. The noble Lord, in 1842, foresaw that the Committee might neglect its duty—that there might be collusion—that the petition might not be proceeded with—that the party petitioning against the return, fearing exposure, might withdraw from the petition—and that the party returned might also, from fear of exposure, relinquish his seat. The noble Lord provided for these contingencies, and in that Act of 1842 which greatly widened the opportunities for parties to complain of bribery, inserted a provision that when a petition, alleging general bribery, is presented within, not a fortnight, but within three months after the commission of an act of bribery, the House may consent to entertain it, and appoint a Committee, with all the powers of an ordinary Election Committee. In this case, therefore, if these petitioners, alleging systematic bribery, within three months after the commission of any act of bribery, had presented a petition in the ordinary way, this House was empowered to appoint a tribunal for the purpose of inquiring into it. But does the case stop there? Suppose the parties are so poor that it is impossible for them successfully to prosecute the complaint, the noble Lord has provided—

> "That if the Committee shall report that there was reasonable and probable ground for the allegations of the petition, the said Committee shall have power to order that the costs of the petitioners shall be borne as in the case of a Committee on any public matter ordered by the House of Commons."

Now, has not the House, while it has taken precautions against frivolous and vexatious complaints, given every fair opportunity to aggrieved parties to be heard? I do not tie you down to the presentation of a petition within a fortnight of the meeting of Parliament, but I ask you why the petitioners, who allege systematic bribery, did not take advantage of that clause in the Act which provides for the case, and ask for a Committee? And if they were so distressed in their circumstances, that it was necessary for them to apply to Parliament *in formâ pauperis*, why did they not take advantage of that other clause in the same Act which enables the Committee to give them their expenses? In considering this question I have endeavoured to exclude every other consideration than those of a judicial nature; and I feel satisfied there is danger of great public inconvenience if we depart from that course to which we have hitherto adhered, and teach petitioners that they are at liberty to exempt themselves from the conditions we have thought fit to apply to the investigation of complaints of improper practices at elections. If such complaints are to be decided on by this House, not in a judicial but a political capacity, not by a Select Committee of seven Members, but according to the discretion of some 400 or 500 Gentlemen influenced by the natural bias, from which, whatever may be their attempt to purify their minds from party considerations and political feelings, they cannot entirely relieve themselves—all that we have hitherto done to ensure just decisions will have been done in vain. Upon these grounds I shall give my vote against the House setting an example which I think will be fraught with such evil consequences.

MR. W. P. WOOD said, the right hon. Baronet had spoken of the danger they would incur in bringing back to that House the consideration of election petitions, and the right of Members to sit in that House; but he begged to remind the House that they were not discussing the right of any Member to sit in that House. The petition was in no sense directed against any Member, but the question was, whether the Marquess of Exeter—assuming the petition to be true—or the inhabitants of Stamford, should return two Members for that borough. Then the right hon. Baronet said, the petitioners might have redress under an election petition; but that could not be, for supposing the petitioners were correct, and there was systematic bribery, still it was by the noble Marquess, and not by a candidate or his agent. Then, said the right hon. Baronet, the 5th and 6th of Victoria had provided for this special grievance; but if the petition were correct, the bribery was in placing persons in houses under the condition of voting for particular candidates; and, as the persons must have held their houses a year to enable them to vote, the bribery must be inferred to have taken place a year at least before the election; and the Act only provided that a petition should be presented within three months of the time the bribery was committed. Again, that Act applied in no sense to any case of intimidation, and yet that was nearly the whole case which the petition made out. And now he would ask any hon. Member in that House to point out any relief under any Act which these petitioners had? But were they to be wholly without a remedy; and if there were no statutory remedy, were the statements in this petition to remain a dead letter, and grievances of this kind not to be inquired into? If the question had rested on the speeches of the right hon. Gentleman (Mr. Herries) and the noble Marquess (the Marquess of Granby), he would have divided without any reply, because they had been compelled in substance to admit the whole case; but when he heard the powerful speech of the right hon. Baronet, and knew the impression it would produce, as everything that fell from him always must, he felt it was incumbent upon him to reply, and to restate the legal position of the case. He was sorry the right hon. Baronet had not been in the House when the state of the law had been so clearly and ably stated by his hon. Friend the Member for Southampton. It had been admitted by the right hon. Gentleman (Mr. Herries) that the announcement of his being a candidate was made to the principal inhabitants of Stamford by Mr. Walford, the London agent of the Marquess of Exeter, thus so far bearing out the statement of the petitioners in this respect. It was true the right hon. Gentleman stated that Mr. Walford was a friend of his own; but, considering that Mr. Walford had no connexion with the borough of Stamford, except as the solicitor for the Marquess of Exeter, it was a natural enough assumption on the part of the petitioners that the announcement was made to the inhabitants solely as the accredited agent of the Marquess. How, of all his friends, the right hon. Gentleman had thought of selecting Mr. Walford to announce his appearance as a candidate, he (Mr. Wood) did not know; but it had been admitted that he had done so, and the statement of the petitioners had thus been so far confirmed. It had been further admitted, that fourteen persons who voted in favour of Mr. Rolt had been ejected. Having, then, the broad fact before them, that a number of persons had been ejected from premises belonging to the Marquess of Exeter because they had voted against the candidates approved by him, and having this further fact, that the Statute 5 and 6 Victoria provided no tribunal for cases of this description, he thought he had made out a clear case for the inquiry which he now sought.

The House divided:—Ayes 178; Noes 177: Majority 1.

List of the AYES.

Abdy, T. N.
Adair, H. E.
Adair, R. A. S.
Alcock, T.
Baines, M. T.
Baring, rt. hon. Sir F.T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Berkeley, hon. G. F.
Birch, Sir T. B.
Blake, M. J.
Blewitt, R. J.
Bouverie, hon. E. P.
Bowring, Dr.
Boyle, hon. Col.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Bunbury, E. H.
Buxton, Sir E. N.
Carter, J. B.
Caulfeild, J. M.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Colebrooke, Sir T. E.
Cowan, C.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Dalrymple, Capt.
Davie, Sir H. R. F.
Devereux, J. T.
Drumlanrig, Visct.
Duff, G. S.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dunne, F. P.
Ebrington, Visct.
Ellice, E.
Elliott, hon. J. E.
Evans, Sir De L.
Evans, W.
Ewart, W.
Ferguson, Col.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Gardner, R.
Gibson, rt. hon. T. M.
Glyn, G. C.
Granger, T. C.
Greene, J.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hall, Sir B.
Hardcastle, J.A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Headlam, T. E.
Heathcoat, J.
Henry, A.
Heywood, J.
Hill, Lord M.
Hindley, C.
Hodges, T. L.
Horsman, E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Hume, J.
Hutt, W.
Jackson, W.
Jervis, Sir J.
Keppel, hon. G. T.

Kershaw, J.
King, hon. P. J. L.
Langston, J. H.
Lennard, T. B.
Lewis, G. C.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Meagher, T.
Maitland, T.
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, S.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Mitchell, T. A.
Monsell, W.
Morpeth, Visct.
Morison, Gen.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Muntz, G. F.
Norreys, Sir D. J.
O'Connell, M. J.
Ogle, S. C. H.
Palmer, R.
Palmerston, Visct.
Parker, J.
Pearson, C.
Pechell, Capt.
Pendarves, E. W. W.
Perfect, R.
Peto, S. M.
Pigott, F.
Pilkington, J.
Pinney, W.
Pusey, P.
Raphael, A.
Rawdon, Col.
Reynolds, J.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Scholefield, W.
Sheil, rt. hon. R. L.
Simeon, J.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Somerville, rt. hn. Sir W.
Stansfield W. R. C.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord D.
Sullivan, M.
Talbot, C. R. M.
Talfourd, Serj.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Towneley, J.
Townshend, Capt.
Tufnell, H.
Tynte, Col.
Villiers, hon. C.
Vivian, J. H.
Walmsley, Sir J.
Ward, H. G.
Watkins, Col.
Wawn, J. T.
Westhead, J. P.
Wilcox, B. M.
Williams, J.
Williamson, Sir H.
Wilson, M.
Wood, rt hon. Sir C.
Wyvill, M.

TELLERS.

Wood, W. P.
D'Eyncourt, rt. hn. C. T.

List of the Noes.

Adare, Visct.
Alford, Visct.
Arkwright, G.
Bailey, J.
Bailey, J., jun.
Baldock, E. H.
Bankes, G.
Barkly, H.
Baring, H. B.
Baring, T.
Beckett, W.
Benbow, J.
Bennet, P.
Bentinck, Lord G.
Bentinck, Lord H.
Beresford, W.
Bernard, Visct.
Blackstone, W. S.
Boldero, H. G.
Bolling, W.
Bourke, R. S.
Bowles, Adm.
Brackley, Visct.
Bramston, T. W.
Bremridge, R.
Broadley, H.
Brooke, Lord
Buck, L. W.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Carew, W. H. P.
Chaplin, W. J.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clerk, rt. hon. Sir G.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Conolly, Col.
Corry, rt. hon. H. L.
Currie, H.
Davies, D. A. S.
Deedes, W.
Dick, Q.
Disraeli, B.
Dod, J. W.
Dodd, G.
Drax, J. S. W. S. E.
Drummond, H.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Du Pre, C. N.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Estcourt, J. B. B.
Farnham, E. B.
Farrer, J.
Foley, J. H. H.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Goddard, A. L.
Godson, R.
Gooch, E. S.
Gordon, Adm.
Gore, W. R. O.
Goring, C.
Greene, T.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Hamilton, G. A.
Harris, hon. Capt.
Heneage, G. H. W.
Henley, J. W.
Herbert, H. A.
Hildyard, R. C.
Hildyard, T. B. T.
Hodgson, W. N.
Hood, Sir A.
Hope, Sir J.
Hope, H. T.
Hornby, J.
Hudson, G.
Ingestre, Visct.
Inglis, Sir R. H.
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Sir W.
Kerrison, Sir E.
Knightley, Sir C.
Law, hon. C. E.
Lewis, rt. hon. Sir T. F.
Lindsay, hon. Col.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mackenzie, W. F.
Macnaghten, Sir E.
Mahon, Visct.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord G.
March, Earl of
Maunsell, T. P.
Maxwell, hon. J. P.
Moore, G. H.
Morgan, O.
Napier, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Newry & Morne, Visct.
O'Brien, Sir L.
Ossulston, Lord
Paget, Lord G.
Palmer, R.
Peel, rt. hon. Sir R.
Peel, Col.
Pennant, hon. Col.
Pigot, Sir R.
Plowden, W. H. C.
Power, N.
Powlett, Lord W.
Prime, R.
Pugh, D.
Reid, Col.
Renton, J. C.
Repton, G. W. J.
Richards, R.
Rushout, Capt.
Sandars, G.
Seymour, Sir H.
Sibthorp, Col.
Slaney, R. A.
Smith, M. T.
Smyth, J. G.
Somerset, Capt.
Somerton, Visct.
Spooner, R.
Stafford, A.
Stanley, E.
Stuart, H.
Stuart, J.
Sturt, H. G.
Taylor, T. E.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Townley, R. G.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Wall, C. B.
Walpole, S. H.
Walsh, Sir J. B.
Welby, G. E.
Wellesley, Lord C.
Willoughby, Sir H.
Worcester, Marq. of
Young, Sir J.

TELLERS.

Herries, rt. hon. J. C.
Granby, Marq. of

Motion agreed to.

House adjourned at a quarter past Twelve o'clock.

HOUSE OF LORDS,

Monday, May 15, 1848.

MINUTES.] *Took the Oaths.*—The Earl of Minto; The Lord Melros; The Right Hon. Edward John Stanley, having been created Baron Eddisbury.

Sat first.—The Lord Abercromby, after the Death of his Father; The Lord Bateman, after the Death of his Father.

PUBLIC BILLS.—2ª Poor Removal; Parliamentary Proceedings Adjournment; Assignment of Ecclesiastical Districts.

PETITIONS PRESENTED. By Lords Campbell and Portman, and the Earl of Haddington, from the Magistracy and Council of the City of Glasgow, in favour of the Jews' Disabilities Bill.—By the Duke of Wellington, and the Earl of Eglintoun, from the Members of several Lodges of the Independent Order of Odd Fellows, that the Provisions of the Benefit Societies Act may be Extended to that Order.—By the Bishop of Peterborough, and the Bishop of Norwich, from Members of the Church of England and Dissenters of a great number of Places, against the Sale of Intoxicating Liquors on Sundays.—From Members of the Free Church of Cupar, Forfar, and other Places, for Facilitating the Attainment of Sites for Churches (Scotland).—From the Guardians of the Poor of the Bedford Union, for Repeal or Alteration of the Law of Settlement.—From the Baptists of Louth, that the System of Idolatry practised in India may no longer receive any Support from the British Government.—From the Parish of Saint Elizabeth, Jamaica, complaining of Measures recently Adopted in regard to Colonial Produce.—From the Presbytery of Glasgow, against the Marriage (Scotland) Bill, and the Registering Births, &c. (Scotland) Bill.—By the Bishop of Winchester, and the Earl of Galloway, from Wiltshire, Edinburgh, and other Places, against the Jewish Disabilities Bill.—From Merchants' House, Glasgow, against the Repeal or Alteration of the Navigation Laws.—From Woodbridge, Suffolk, for the Adoption of Measures for the Suppression of Seduction and Prostitution.—From the Tenant Farmers and others of Haddington, for the Repeal or Alteration of the Game Laws.—From the Protestant Clergy and Laity of Ireland, of Newry, and of Norwich, in favour of the National System of Education.—From the Mayor, Aldermen, &c. of Cork, for a Repeal of the Union.—From the Church of England Schoolmasters' Association, Ashby-de-la-Zouch, against any Addition to the Conditions of Parliamentary Grants to National Schools.

THE LATE LORD ASHBURTON.

LORD STANLEY, in moving that the name of Lord Redesdale be substituted for that of the late Lord Ashburton, in the Committee on Banking, said: My Lords, I must on this occasion advert to the great and severe loss which this Committee and your Lordships' House have sustained by the death of my noble Friend Lord Ashburton. Although my noble Friend had arrived at that time of life when it was not reasonable to expect that his life would be protracted for any very lengthened period, yet those Members of your Lordships' House who have been serving on this Committee have had the opportunity of observing and noticing how entirely unclouded was the power of his intellect, how clear was his mind, and how valuable were the experience and information which he brought to bear upon the very important subject which occupied his anxious attention even to the last week or fortnight of his life. I am sure, that although my late noble Friend was not a frequent speaker or debater in this House, yet those of your Lordships who had the opportunity of seeing and knowing him must be well aware, and will appreciate with me, of how much greater value and importance than could have been the powers of the highest eloquence were the clear and impartial judgment and the candid spirit which he brought to bear upon every subject, and that wide practical experience which he possessed, more especially, upon mercantile subjects—subjects to which he had devoted the study and observations of a long life—which imparted to all his opinions the highest authority. I am sure I may add that that general amiability, that uniform courtesy and kindness, not only of mind but of manner and heart, which characterised my noble Friend, must have rendered it impossible that he should have left behind him a single enemy, personal or political. Those who were admitted to the honour of this private friendship will feel more than others the loss which the country has sustained—a loss which will be long felt by all who knew how to value his high qualities, his private worth, and public honour, I trust I shall be pardoned for having occupied your Lordships' attention with these few words.

The MARQUESS of LANSDOWNE said, that he had enjoyed the acquaintance and friendship of Lord Ashburton from his earliest years—an elder date than even that of the noble Lord opposite, inasmuch as his (the Marquess of Lansdowne's) life had been longer than that of the noble Lord. That friendship had continued undisturbed for something like forty years, and he had had ample opportunity of corroborating all that the noble Lord had said concerning the high character and talents, the amiability of disposition, and the enlarged experience of his deceased friend.

LORD BROUGHAM said, that he also had been acquainted with Lord Ashburton for more than forty years, and had been his fellow-labourer in several most important Parliamentary discussions. He felt it difficult to express his feelings on this occasion; but he could not avoid at least expressing how entirely he agreed with all that had fallen from his two noble Friends respecting the high character, the extraordinary candour, and the sound understanding of Lord Ashburton. The last time he had seen Lord Ashburton he was going to the house of a brother who had died. Another had died ten days before; thus the three brothers had all died within the space of a month.

Motion agreed to.

PARLIAMENTARY PROCEEDINGS ADJOURNMENT BILL.

LORD STANLEY moved the Second Reading of the above Bill.

LORD CAMPBELL said, that he did not rise to oppose the second reading of this Bill, but he felt it to be his duty to offer some observations to their Lordships with respect to the enactments which it contained. The question was whether the Bill would be a proper remedy for an evil which could not be denied. He must confess, though the Bill was approved of by most of his noble Friends, yet so many difficulties presented themselves to his mind in relation to its provisions, that he could not refrain from stating them then to their Lordships. The Bill would introduce a very important change in the working of our constitution. We must take care, therefore, that we did not cause greater inconveniences by our legislation than those which the measure was intended to remove. He objected to the novel power of retaining Bills from Session to Session which was proposed by this Bill. The proposed change might be sometimes employed as a strong argument in the hands of an Opposition for the postponement of a measure which it might be of the utmost importance to pass speedily; and it was obvious also, that there might be a great change of circumstances in the interval between one Session and another. He admitted that the evil which the noble Lord sought to remedy was one of great magnitude: it arose from the unreasonable jealousy of the House of Commons as to Money Bills, which prevented the origination of measures in their Lordships' House, and from the waste of time in the House of Commons, which was most lamentable, unless it had very much amended its ways since he was a Member of that House. Some specific remedy would, he believed, be found absolutely necessary; and, as in the Congress of America, some limit, he thought, must be imposed upon the length of the speeches, and upon the duration of Committees. He feared that, unless some regulations of this nature were adopted, the public business would be altogether obstructed. He hoped, however, that, ere long, the House of Commons would relax the severity of their rules with respect to money clauses, although he desired that the privilege of voting supplies should always remain with that House; but if they would limit their privilege to some extent, many more Bills might be originated in that House, and much of the difficulty got rid of. For these reasons, although he would not oppose the second reading of the Bill, he doubted whether it would not be desirable to seek another remedy.

LORD REDESDALE felt that there were strong constitutional objections to this measure, which was wholly unprecedented. The resolutions which had been passed of late for suspending Private Bills had been carried to a very mischievous extent; but the mischief of proceeding legislatively was still greater. Hitherto these matters had been regulated most conveniently by ancient usage; and if this door for legislation were once opened, it would never be closed. Legislation ought to be adapted to all periods—as well periods of excitement as of quiet; and it was easy to conceive what serious consequences might follow from a measure of this description in times of public disturbance. Disputes between the two Houses might be greatly aggravated by it. For his own part he did not consider the evil to be so great as other noble Lords did; and the true cause of complaint seemed to him to be not so much the want of time as the lateness of the period of the Session at which the Bills arrived, when many noble Lords had left town, and the House was but thinly attended. The evil rested with the other House of Parliament, and not that House; and, although he did not think that the American regulations suggested by the noble Lord opposite would exactly suit the constitution of the House of Commons, he hoped that that House would seriously consider the inconvenience which resulted from the great delay that occurred in sending up Bills to that House. He should not move their Lordships to reject the Bill; but he felt bound to state the difficulties which he felt respecting it.

EARL GREY said, that the two noble Lords who had last spoken had rested their opposition to the Bill on the most far-fetched objections conceivable; and unless some better objections could be urged against it, he thought that the House ought to agree to the measure. It was said that the present practice was established by long usage; but if it were inconvenient, it was the duty of the House to reform it. He thought that the course which had been pursued with respect to Railway Bills had been attended with great convenience; and this Bill was intended to apply a remedy somewhat similar to public measures. It was no answer to this proposal that the House of Commons might alter and reform its practice; because it was the duty of that House, so far as was in its power, to repair mischiefs which were confessed, and to secure for itself, that of which it was now deprived, ample leisure to deliberate upon and consider all the measures presented to it. In this House they were to consider, not what would be the best law in itself, but what would be the best which, in the existing state of public opinion and of the conflicting interests, the majority of the other House of Parliament could be brought to consider. The measure was not intended to be applicable to all Bills; and he agreed with the noble Lord that there might be some difficulty in being able to know beforehand what measures should be passed, or what might be postponed. He could not agree, however, with the suggestion that a clause should be added, providing that no adjourned Bill should be taken up in any succeeding Session without the distinct consent of the House in which it originated. It was a poor compliment to either House, to suppose that they would pass measures as permanent, which the course of a very few months would show not to be required. In fact, when measures were required which were based on temporary circumstances they were always, as the experience of the present Session showed, passed only for a limited time. On the whole, therefore, he would give his support to the Bill.

Lord BROUGHAM felt that this measure was intended to remove a great and crying evil; but still he must confess he felt considerable difficulties with regard to it, and these were increased by the suggestions which had been thrown out by the noble Lord near him (Lord Redesdale), which would go, in fact, totally to alter the measure. Until, therefore, he should see the Bill in print in some of its later stages, he could not quite make up his mind with regard to it. He thought they ought, as much as possible, to avoid entering into any new course of legislation; but this involved such a change, for it was the first time that it was proposed to regulate by statute the Standing Orders of either House of Parliament. With regard to the remarks of his noble Friend opposite (Earl Grey), he had totally misapprehended the requirement of his noble Friend (Lord Redesdale), who did not assume that either House might act capriciously, but who assumed that circumstances might arise which would alter their opinion, and yet one House would be tied to the expression of an opinion delivered in the former Session, while the other House would be free to form a judgment with all the advantage of prolonged experience.

Lord BEAUMONT said, one objection to this clause would be, that it would give the House of Commons the power, by their objecting to postpone a measure, to force their Lordships to proceed with its consideration, at the expense of other Bills which were of equal or greater importance, though there was less excitement attending them. With regard to the Bill itself, one objection to it was, that it would prevent any great measure from being in future originated in their Lordships' House, and would reduce them to the condition of being only called upon to revise Bills sent up to them from the Commons. This, he thought, was a great evil at the present time, and it would be greatly aggravated by the passing of such a measure as this. The noble Earl (Earl Grey) had urged that their Lordships were to look not so much to what was the best measure in itself, but what was the best which, under existing circumstances, the House of Commons might be induced to pass. Now, he thought that was an unfortunate system. He must confess he thought there was a class of Bills, such as the Sanitary Bill, the Metropolitan Buildings Bill, and others, which, like them, interfered to a large extent with private interests, and which, on that account, were not likely to pass in a perfect form through the House of Commons, which might very advantageously be allowed to originate with their Lordships. It might be that the House of Commons, owing to the influence of private parties, might not adopt the whole of the measures as passed by their Lordships; but there would be this advantage, that the public would have before them what he would call a model Bill, and that, although some portion of it might be objected to at first, yet the other portions would probably be adopted in a future Session. He would reserve his further opinion on this Bill till it got into Committee; and if the noble Lord should then propose any improved method of carrying out his object, he (Lord Beaumont) would only be too happy to support it; but if it stood in its present form he should vote against it.

The EARL of DEVON was understood to support the Bill, and suggested that when the House of Commons sent up a Bill to their Lordships, they might then signify their assent to its being passed either in that or the next Session of Parliament.

The MARQUESS of LANSDOWNE was not disposed to retract the favourable opinion he had expressed when the Bill was first introduced, especially as he felt it would tend to remove the great evil of hasty and hurried legislation which had caused the unseemly practice, grown of late years almost into a system, of bringing in Acts to amend Acts that had passed only the previous Session. There were, no doubt, many difficulties in the way, but there were none which might not, he thought, be overcome. For instance, there was no doubt that the Bill interfered, to a certain extent, with the prerogative of the Crown to put a stop to Bills that were pending before either House by the prorogation of Parliament. This might be obviated, however, by the consent of the Crown being given through Her Majesty's advisers in each individual case, in the postponement of Bills to the succeeding Session, in the way proposed.

LORD STANLEY replied: My Lords, I need hardly say that I receive with respect and thankfulness the suggestions which have been made by noble Lords, intended to further the object which alone I have in view in bringing forward this measure —the facilitating and improving the legislation of the two Houses of Parliament. In the present state of the House, and at the present hour, there is no inducement to discuss the principle of the measure, even if that were necessary—which I conceive it is not; and, therefore, I shall very shortly allude to one or two topics introduced by noble Lords as suggestions, made partly with regard to the details, and partly with regard to the principle of the measure. The last suggestion made by the noble Marquess I anticipated when I opened the Bill to your Lordships; for I admitted that this was, to some extent, an interference with the prerogative of the Crown; and I stated, that as it was practically, or rather theoretically, a diminution of the prerogative of the Crown, it could not properly pass without the consent of the Crown being signified at some one or other stage of the Bill, by Her Majesty's advisers. But the question of prerogative appears to me to be entirely altered, if I rightly understand the suggestion of the noble Marquess, that the consent of the Crown should be taken as a necessary preliminary to every proceeding under this Bill. If that was the case, the practical effect would be, that the Ministers who exercised for the time being the power of advising the Crown, would have the absolute power of putting a veto upon the postponement of every individual measure. I think that would be an inconvenience of no inconsiderable amount. Sure it is, that it is the prerogative of the Crown to stop the progress of any measure by the prorogation of Parliament; and this measure does not propose to touch that prerogative, except in cases where there is a distinct resolution by one or other of the Houses of Parliament that some certain measure or measures shall be postponed. But, my Lords, it would be an extreme case to suppose that when a measure has been passed by a majority in one House, and a majority in the other was willing to pass it after postponement, for the purpose of due consideration, the Ministers of the Crown should seek to interpose the prerogative for the purpose of defeating it. Such an extreme case as this is hardly to be supposed in the present day. But the power would still be left to the Crown if such an extreme case should arise, because if a Bill were adjourned to another Session, this measure required that it should be adjourned to a fixed and appointed day; and the Crown might then interfere, and, by the exercise of its prerogative in proroguing Parliament beyond the day fixed upon, put an effectual stop to the progress of the measure. The objections which were urged to this measure by the noble and learned Lord (Lord Campbell) were of two kinds—technical and constitutional. One of his technical objections was, that this Bill recognised distinctions, such as the second and third readings of Bills, which were not prescribed by law. Now, I do not conceive that this can form any objection to the measure, because, in recognising these stages, we do not give them any validity in law, but simply recognise them as stages through which the measure has to pass. The noble and learned Lord objected to the Bill on the ground of innovation, and that an organic change would be thereby introduced. My Lords, I am of a very different opinion; and I think it would be somewhat odd to see the noble and learned Lord resisting innovation, and myself promoting and pushing it forward. And yet no other argument except one equally futile—that of a danger of collision between this House and the House of Commons—has been urged against this Bill. No system of legislation can be worse than that which is already existing in the months of July and August. I cannot see any difference, however, between postponing Bills from July to February, and postponing them from February to July. It is true, in point of fact, that with respect to the introduction and progress of Bills, one Session of Parliament is regarded as one Parliament. But that is the very reason why it is necessary to introduce this measure. Suggestions as to saving time by restricting the extent of speeches are for the consideration of the other House of Parliament; but I have no desire to see the introduction of an hour-glass or a president's hammer to inform the speaker that his time is exhausted, any more than I have to see an arrangement adopted by which Bills shall after the lapse of a given time, be reported in an undigested shape. The object of the present measure is to give facilities to both Houses of Parliament for the despatch of public business, without in any degree interfering with the powers they now possess; and the nature of the evil to be remedied will be understood from the position of the Encumbered Estates (Ireland) Bill, which, having been introduced into your Lordships' House in the month of June, when Parliament might rise in July, could not well receive that consideration from the House of Commons which its importance demands. In conclusion I beg to state that I shall be happy to adopt any suggestions which may have the effect of improving the Bill.

Bill read a second time.

House adjourned.

HOUSE OF COMMONS,

Monday, May 15, 1848.

MINUTES]. NEW WRIT. For the County of Chester (Northern Division), *v.* the Right Hon. Edward John Stanley, now Lord Eddisbury.

PUBLIC BILLS.—1° Qualification and Registration of Electors (Ireland); Elections and Polling Places (Ireland).

Reported.—Public Health.

PETITIONS PRESENTED. By Mr. W. J. Fox, from Oldham, for Adoption of Universal Suffrage.—By Mr. J. E. Denison, from Owners of Land, in Norwell (Nottingham), for Alteration of the Law respecting Church Leases.—By Mr. G. Cavendish, from Buxton, in the Diocese of Lichfield, against any Alteration of the Law affecting the present Standard of Doctrine of the Church of England.—By Lord Ashley, from Bath, and Admiral Gordon, from the Presbytery of Ellon (Aberdeen), against the Jewish Disabilities Bill.—By General Arbuthnott, from Stonehaven, and its Vicinity, and by other Hon. Members, from several Places, for Better Observance of the Lord's Day.—By Sir John Hope, from the Presbytery of Edinburgh, against the Marriages (Scotland) Bill (1847).—By General Caulfield, from the Presbyterian Congregation of Clare, and by other Hon. Members, from a great many Places, in favour of the Places of Worship Sites (Scotland) Bill.—By Mr. Scully, from the Presbyterian Congregation of Clonmel, complaining of the Withdrawal of the Regium Donum.—By Mr. Shafto Adair, from Cambridge, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Smollett, from Dumbarton, for Inquiry into the Excise Laws.—By Mr. Headlam, from Newcastle-upon-Tyne, and its Vicinity, for Alteration of the Legacy Duties.—By Mr. Blewitt, from Newport, for Discouragement of Beer Houses.—By Mr. Packe, from several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for an Extension of the Benefit Societies Act.—By Lord Ashley, from Bath, and other Places, against the Diplomatic Relations, Court of Rome, Bill.—By Mr. W. Miles, from Woodville, in the Diocese of Peterborough, for Alteration of the Law respecting Education.—By Mr. George Hamilton, from Abbeymahon and Templequinlan, and several other Places in Ireland, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Mr. Bright, from Alexander Robb, Surgeon, Glasgow, for Inquiry into Glasgow Riots.—By Mr. Bond Cabbell, from Members of the alleged Lunatics' Friend Society, for Alteration of the Law of Lunacy.—By Lord George Bentinck, from Directors of the Chamber of Commerce and Manufactures in Glasgow, and by Mr. Smollett, from Dumbarton, against Repeal of Navigation Laws.—By Admiral Gordon, from the Parochial Schoolmasters of the Presbytery of Deer, for Ameliorating their Condition.—By Mr. French, from Proprietors and Landholders of Roscommon, for Alteration of the Poor Law (Ireland).—By Mr. Smollett, from Bonhill, for Amendment of the Poor Law (Scotland).—By Mr. Philip Bennet, from Woodbridge (Suffolk), and its Neighbourhood, for Alteration of the Law as regards Promiscuous Intercourse of the Sexes.—By Mr. Beckett, from Leeds, and by other Hon. Members, from several Places, for Alteration of the Public Health Bill.—By Captain Fordyce, from Aberdeen, suggesting Loans on Railways.—By Sir John Hope, from the Presbytery of Edinburgh, against Registering of Births, &c. (Scotland) Bill (1847).—By General Arbuthnott, from Justices of the Peace of Kincardineshire, and by Colonel Mure, from Renfrew, for the Completion of the Survey of Scotland.

THE NAVIGATION LAWS.

The Order of the Day for going into Committee of the whole House on the Navigation Laws, and on the laws relating to the regulation of ships and seamen, read.

On the question that the Speaker leave the chair,

MR. ALDERMAN THOMPSON said, no ground had been shown for going into Committee on this subject. The House had had no report from the Committee appointed to consider the question, recommending any alteration in the existing law, and no large number of petitions had been presented, either from the consumers or from the importers of foreign products, praying for any change. It must be remembered that this subject was under the consideration of a Committee of the other

House of Parliament; and he thought, on the grounds he had mentioned, and considering also the peculiar state of Europe, that there was no reason why the House should enter, at the present moment, on the consideration of this important question. He had hoped that the right hon. Gentleman would at least have given the House an outline of the changes he proposed to introduce before he asked them to go into Committee. He did not wish to throw any difficulty in the way of a fair and open discussion on this important subject; but he thought it would be better if the right hon. Gentleman would make some statement as to his intentions, and the character of his resolutions, before he asked the House to resolve itself into Committee.

Mr. LABOUCHERE understood that the objection of the hon. Gentleman was, that the statement of the Government on this subject could be made more conveniently and more regularly in the House itself than in Committee. Now, he considered that the rule the House had established, that statements on questions of this nature should be made in Committee rather than in the House itself, rested upon a better foundation than mere form. He believed it was for the convenience of the House that that practice should be observed, and on this ground he would object to make his statement before the Speaker left the chair. The hon. Member for Westmoreland (Mr. Alderman Thompson) was too old a Member of that House not to know that he would have many opportunities of expressing his opinions on the plan proposed by Her Majesty's Government. His noble Friend at the head of the Government (Lord J. Russell) had the other night intimated his intention not to go into any discussion on this subject tonight, but to propose that the discussion of the plan should be postponed for a week, in order to afford ample time for its consideration. The hon. Member for Westmoreland would, therefore, have a full opportunity on Monday next of expressing his sentiments on the subject. He might take this opportunity of referring to a question which had been put to him on a former occasion by the noble Member for Lynn (Lord G. Bentinck), who had asked him whether he would consent to print in the Votes of to-day the resolution he intended to propose to-night. For the same reason he had assigned against making his statement before going into Committee, he had also declined to accede to the suggestion of the noble Lord. The obvious effect of such a proceeding would be that the debate would take place on the question that the Speaker leave the chair, instead of in Committee of the whole House. The right hon. Member for Stamford (Mr. Herries) had recommended him, instead of moving a general resolution, to indicate, at least generally, the views and intentions of the Government on this subject. He had acceded, as far as he could, to that suggestion, and had framed his Motion in such a manner as to indicate generally the outlines of the scheme it was his intention on the part of the Government to submit to the House.

Mr. ROBINSON fully concurred in the suggestion of the hon. Member for Westmoreland. The question might well have been postponed for another year. In the present state of public business, and in so advanced a stage of the Session, the subject ought not to have been introduced at all; and at all events some grounds ought to be laid for going into Committee.

Mr. HERRIES knew that there were precedents for going into Committee to receive the statement; but there were other cases, and he believed they were the more numerous (especially where the subject was of great importance), where the Minister thought it his duty to state his reasons for inviting the House to go into Committee. He had not come with a determination to oppose a dogged resistance to any change; but he thought the right hon. Gentleman ought, for the satisfaction of the House, generally to unfold the views with which he was disposed to make some change, and to state in what respect the law required amendment; and when the House should get into Committee, then would be the time to state more in detail what the proposed changes were.

Captain HARRIS was convinced that the House could not prudently come to any decision without further evidence on the most important point of all—the manning of the Navy. It was a singular and unaccountable fact, that only one naval officer had been examined before the Committee on this most important branch of the subject. The evidence of that officer was notoriously incorrect. Sir James Stirling had stated that only one-tenth of the seamen in the Royal Navy had been supplied from the merchant service. A Commission appointed by the Admiralty to investigate the subject, had reported that two-fifths came from thence. Other parts of that evidence were equally erroneous, and calculated to mislead. He (Captain Harris) would prove in Committee what he now advanced; and he entreated hon. Members not to pledge themselves by speech or vote, until fresh evidence on this point—on which hinged the naval supremacy and existence of this empire—was laid before them. He would take the earliest opportunity in Committee of moving that the Chairman report progress and ask leave to sit again in a month, to allow of the evidence taken before the Lords' Committee on the Navigation Laws now sitting being laid before the House.

Mr. HUDSON considered that the House might very well go into Committee without any statement being made, if the House were unanimous upon the subject; but the Committee ought not to be pressed when a large section of the House objected to it. It was not fair to those who thought it doubtful whether an alteration of the navigation laws should take place at this moment; he would not say that some alteration might not take place with advantage, but the Motion ought not to be made without explanation. The resolution had been handed to two or three persons behind the right hon. Gentleman; but he had not had the courtesy to show it to that (the Opposition) side.

Mr. THORNELY reminded the House that, according to its standing orders, any Bill relating to trade, or alterations of the laws concerning trade, must originate in a resolution come to in a Committee of the whole House. If hon. Members objected entirely to any the least alteration of the Navigations Laws—[Mr. Hudson: No!]—they might properly oppose the going into Committee. Many extensive shipowners agreed that certain existing regulations were most absurd—such as that which prohibited the produce of Asia, Africa, and America being imported from Europe; but, in order to get rid of that, the House must go into Committee.

House in Committee.

On the Motion of Mr. Labouchere, the following passage of the Lords Commissioners' Speech at the opening of the Session was read by the Clerk at the table:—

> "Her Majesty recommends to the consideration of Parliament the Laws which regulate the Navigation of the United Kingdom, with a view to ascertain whether any changes can be adopted, which, without danger to our maritime strength, may promote the Commercial and Colonial Interests of the Empire."

Mr. LABOUCHERE spoke as follows:*—Mr. Bernal, in rising to redeem the pledge which was given in the Speech of Her Majesty, at the commencement of the present Session, by bringing before the attention of the Committee the subject of the Navigation Laws, I assure them that I am deeply conscious of the weight and responsibility of the task which has devolved upon me. I know that those laws have long been regarded among us with a reverence inferior only to that which we are accustomed to pay to those immortal statutes which are the bulwarks and safeguards of our constitutional liberties. I am aware that they have been defended by some of our greatest statesmen, and eulogised by some of our wisest philosophers and historians. But, on the other hand, I may venture to remind the Committee that they have been subject to frequent changes and alterations. It was remarked long ago by the sagacity of Mr. Burke—

> "If the Navigation Act is suffered to run the full length of its principle, and is not changed and modified according to the change of times and fluctuations of circumstances, it must do great mischief, and frequently even defeat its own purpose."

And if the changes which I am about to recommend to the Committee are of a far more vital and extensive description than any that have been previously proposed to Parliament, I entreat them to consider, at the same time, how everything else has been changing around us. What changes, even in our own times, have we not witnessed, in all the circumstances that affect the commercial and industrial position of the country! The emancipation of the great South American colonies—the introduction of steam navigation—that awakened spirit of rivalry which a long peace has caused among all the nations of the world in the race of mercantile prosperity—and, above all, those great changes which we ourselves have adopted in our whole system of protection, and of the system under which our trade is conducted. These events, although crowded into a few years, have done the work of centuries, and they render it necessary that the House should well consider what may have been their effect upon our navigation laws, and what course it may behove us to pursue in reference to those objects which it professes to maintain—objects which no man can be more anxious to see secured than I am myself—I mean the commercial greatness of the country, and the continuance of its military and naval power. The Committee will perhaps allow me, in a very rapid and general manner, to call their attention to the changes that have taken place in the navigation laws in this country. I believe the first navigation law which is to be found on our Statute-book was enacted in the fifth year of the reign of Richard II.; and it contains perhaps the strongest provisions that are to be found in the whole code. It enacts broadly—

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* From a corrected Report, published by Ridgway.

> "That no subject of the King should ship any merchandise outwards or homewards in any but ships of the King's liegeance, on pain of forfeiting all merchandise shipped in any other vessel."

This Act only lasted a single year; it was found necessary to alter it the next year, and foreign ships were allowed to be employed, if English ships could not be procured. A few years later it was enacted that English ships should only have reasonable rates of freight; and afterwards a law was introduced to fix a tariff of the maximum of the freights to be charged by vessels carrying between the ports of England and the principal ports of the Continent of Europe. The distinctive character of this system was plainly that of exclusive monopoly and restriction. It lasted, with some modifications, but without departing from this main principle, to the reign of Queen Elizabeth; but in the first year of Queen Elizabeth a very remarkable change took place. The Parliament of Queen Elizabeth passed a statute which altogether reversed the principle of the navigation laws which had previously existed, and adopted, instead of an absolute exclusion of the foreigner, the principle of protection by means of differential duties, allowing foreign ships to come to this country as well as English ships, but imposing a differential duty upon goods imported in foreign bottoms as contradistinguished from goods imported in English bottoms; and, as was much the habit in those days, the preamble of this Act set out much more frankly than, I think, we are accustomed to do, the reasons which induced the Legislature to adopt this change of plan; and they are reasons so remarkable, that I will venture to call the attention of the House to them. The Act stated—

> "That since the making of the statutes other sovereign princes, finding themselves aggrieved with the said Acts, as thinking that the same were made to the hurt and prejudice of their country and navy, have made like penal laws against such as should ship out of their countries in any other vessels than of their several countries and dominions; by reason whereof there hath not only grown great displeasure between the foreign princes and the kings of this realm, but also the merchants have been sore aggrieved and endamaged."

The principle adopted by Queen Elizabeth was very much the principle that prevailed generally in those times, and indeed which to a very considerable degree prevails at the present day on the part of other commercial nations of the world. At that time, I believe, every nation that enjoyed any foreign trade at all put distinctive duties upon produce imported in alien bottoms, for the protection of their own navigation; this, I believe, was the system of all foreign nations, with one very remarkable exception. There was one country which at that period was almost struggling into existence that adopted a very different principle—of course I am speaking of Holland. Holland adopted a system of the most unrestricted freedom. She gave the utmost encouragement to commerce, and made her marshes the home of the merchants of every country who chose to go there. The result of that policy was most remarkable. It enabled the Dutch to build up the most magnificent fabric of commercial greatness and political power, upon foundations naturally so slight, that the world had ever before had an example of. I ought, perhaps, to state to the Committee, that while Queen Elizabeth made this change of policy with regard to the navigation laws, she for the first time introduced a system of restriction which did not exist under the system of the previous period. She made for the first time the coasting trade of England a monopoly. Till then the coasting trade had been open to foreign vessels. This second period of our navigation laws lasted without any material change to the time of the Commonwealth. It was during this second period, especially in the reign of James I., that our great colonial empire originated. The successors of Queen Elizabeth applied to the colonial trade the same principle that she had applied to the home trade. They did not make it a system of strict monopoly and exclusion, but they favoured British commerce with regard to the colonies in the same way as they had done with regard to the commerce of England, namely, by virtually placing differential duties upon goods carried in foreign vessels engaged in the colonial trade, in the same manner as they were imposed upon goods in foreign vessels engaged in the home trade of this country. This was the policy of what I call the second period—I mean the period which began in the reign of Elizabeth, and lasted to the time of the Commonwealth—with regard to the navigation system.

At the time of the Commonwealth, began the third period, which has lasted down to the time at which I am now addressing the Committee. The foundations were then laid of that system which has left an impress very strongly on the laws that are still upon our Statute-book. This system was begun by Acts passed during the Commonwealth, and confirmed by the statute commonly called the Navigation Act, and which Act, when taken in conjunction with the "Statute of Frauds," which was passed immediately afterwards, mainly comprises the provisions regulating our commercial navigation. It is the Act of 12 Charles II. c. 18. It is not necessary I should state to the Committee what are the principles of the Navigation Act—they are too familiar to all of us to make it necessary for me to do so. The Legislature of England at that period again reverted to the system of monopoly and exclusion. They endeavoured as far as possible to treat the British empire as self-supported and self-relying. They sought to engross to our own shipping all the trade and business of the empire; reverting in this respect to the old policy of Richard II. They included in this system the vast colonial trade which had sprung up during the interval. The motives which induced the country to adopt this change were principally political; at least they were not, I believe, mainly and originally founded upon commercial motives. Blackstone gives a very clear account of the reasons why, in his opinion, the Legislature were induced to adopt this system. There was, in the first place, a desire on the part of the Commonwealth Parliament to impede the intercourse which those who had adopted the Royalist cause were carrying on with our colonies; and in the second place, they had still more for their object and purpose, a desire (to use an expression of Blackstone) "to clip the wings of the Dutch," of whose great carrying trade we were jealous, and with whom we were then beginning to quarrel on other grounds. This system has remained in some respects unaltered to the present day; at the same time a great many changes in other respects have been made, with the details of which, however, I will not now weary the Committee. The first circumstance that materially tended to break down this system was the occurrence of the events which led to the declaration of the independence of the United States of America. That declaration produced many remarkable consequences. In the first place, it destroyed a great trade actually existing. It destroyed that self-supporting power which the British empire had, at least as it was supposed, hitherto possessed. The commercial connection which had hitherto existed between our West India Islands and the colonies which were then becoming independent States, had been very great, intimate, and important. The violent destruction of that commercial connection placed this country in a most embarrassing position. It was some time before the Parliament of this country could make up their minds to adopt the course which they were ultimately forced to pursue. Mr. Pitt, on the first declaration of independence by the United States, with true wisdom and with great courage, came forward to propose to Parliament and the country to continue that commercial intercourse with the United States of America pretty much upon the same footing that had previously existed while those States were British colonies; but all the power which Mr. Pitt possessed failed in persuading the country to adopt that wise policy. Palliatives, indeed, were had recourse to; but many practical evils to our commerce followed from this discontinuance of the connection between our colonies and those portions of North America which had become the United States. Attempts were made to enable those colonies which had remained faithful to the British Crown to supply the deficiency that had been occasioned by the separation of the other colonies; but these attempts afforded no adequate remedy, and it was not till the greatest practical evils had taken place that Parliament consented to apply an effective cure to them. I find it stated, in an address of that period from the House of Assembly of Jamaica to the Crown, that there had been for several successive years hurricanes in that island, and that, between the years 1780 and 1787 no less than 15,000 slaves had perished from the want of the accustomed supply of food from the United States of America, and from its consequent dearness; this want of supply being entirely the result of the interruption of that system of commerce which had previously existed between the West India islands and the colonies which had since become the independent United States of America. At last, step by step, free intercourse between the United States and the West India colonies was allowed; but so gradually that it is only in our time that a free and unrestricted access has been allowed, by which the West India islands may obtain whatever supplies they may require from the United States. These changes made a very wide breach in the system of our navigation laws. Many other changes followed. The first I will advert to is, that of the admission of Ireland into a participation of all the advantages of the English trade. This took place about the time of the declaration of American independence. Then came the measure for establishing free ports, and the introduction of the warehousing system; after that came Mr. Huskisson's reciprocity treaties; and lastly, and quite recently, came the measures which we have adopted for enabling those inland countries which, by means of steam navigation and of rivers, can carry on an intercourse with the sea near to the mouths of those rivers, to use the ports which they approach as if they were ports of their own—a measure of which, in passing, I must say, that while absolutely forced upon us by a sense of justice, and in order to develop our trade, it is one which no man can fail to see has made a considerable breach in our navigation system—a breach which it is now too late to repair, and which it will be exceedingly difficult to prevent becoming much wider than it is.

Having thus, in a very general manner, asked the Committee to survey the course of legislation pursued with regard to the navigation laws, I will now call the attention of the Committee to the actual state of the law at the present moment. The law on the subject is mainly comprised in three statutes. The one is the Navigation Act, properly so called—the 8th and 9th Victoria, cap. 88—which is a consolidation of the provisions of our navigation laws; the next is the Act regulating the registration of British vessels, being the 8th and 9th Victoria, cap. 89; and the third is the statute for consolidating the laws relating to merchant seamen, and for keeping a registry of seamen, being the 7th and 8th Victoria, cap. 112. I will state as concisely as possible what is the actual result of these laws. The Navigation Act directs that certain enumerated articles, the produce of Europe, shall be imported into this country for consumption only in British ships, or in ships of the country of which the goods are the produce, or in ships of the country from which they are imported. The bearing of this law obviously is as far as possible to secure the European carrying trade to our own shipping. It goes on to direct that the produce of Asia, Africa, and America, shall be imported into this country only in British ships, or in ships of the country of which the goods are the produce, and from which they are imported; and, further, that these productions shall not be imported from any part of Europe in any ships whatever. The purport of which plainly is to keep to ourselves what is called the "long voyage trade," not permitting even our own ships to bring the produce of Asia, Africa, and America from any European port, but obliging the long voyage to take place in British ships. It also directs that no goods shall be imported into our colonies (under which term I do not include British India) except in British ships or in ships of the country of which the goods are the produce, being also the country from which they are imported. It confines the trade between all parts of the British empire to British ships, the only exception being in the trade between this country and India, into which some foreign ships are admitted under treaty. The object of these provisions is as far as possible to confine the colonial trade to ourselves. These are the main provisions of the Act, but they are subject to several exceptions and modifications. The Act further provides that British ships shall be navigated by a British master, and by a crew of whom three-fourths are British seamen; and it defines British seamen so as to exclude natives of India. It directs, moreover, that no foreign ship shall be admitted to be a ship of any given country unless it be of the build of that country (or British built), nor unless it be wholly owned by subjects of that country, nor unless it be navigated by a master and crew of whom three-fourths are subjects of that country. The character of the British vessel is next laid down in the Act for the registering of British vessels. This character depends upon three points —first, upon the building of the ship; it must be built in some part of the United Kingdom, or in the British Possessions. No foreign ship, unless she has been a prize taken in war, is entitled to be considered a

British vessel. The next point is the ownership. No vessel that is owned by a foreigner can be entitled to be registered as a British ship. There are some anomalies which I purpose taking the present opportunity of correcting—such as that a foreigner naturalised in England may be the owner of a British ship, but a foreigner naturalised in the British colonies cannot. I now come to the third point necessary to constitute the character of a British ship—I mean the manning. The law may be described in this manner—a British ship engaged in the coasting trade must have the whole of its crew composed of British seamen; a British ship engaged in foreign trade must have three-fourths of its crew composed of British seamen. Every British ship is obliged to have on board a certain number of apprentices, amounting to about one-sixth in number of the whole crew. These are the main points of the law with regard to British shipping, registering ships, and seamen. I will now proceed to state the reasons that have brought me to the conclusion that these laws require alteration.

They rest, as I have said, upon three main principles—first, to secure our colonial trade; secondly, to secure the long voyage trade; and, thirdly, indirectly to secure the carrying trade to ourselves. I will proceed to call the attention of the House to the operation of each of these principles, and to state the reasons that have induced me to believe that we cannot consistently with our own well-understood interests and sense of justice, leave either of these principles as it now stands, or without applying to it some large and fundamental alteration. I will begin with the case of the colonial trade. I believe that if ever there was a just demand made upon this House—I say this House, which has adopted the principle, and which I trust will maintain the principle, that there shall be no differential duties, as a system, in favour of English colonial produce imported into the mother country—I say, if the House is prepared to maintain that principle, then, I repeat, if ever there was a just demand made on a British House of Commons it is that which is now proceeding from every part of the British colonies, namely, that if we think it right to set ourselves free from those restrictions which we at one time thought it conducive to our own interests and those of the colonies to maintain, but which we now think it beneficial to ourselves (and, as I believe, it will be found equally beneficial to the well-understood interests of the colonies themselves) to abrogate, then we ought also speedily to relieve the colonists from those other restrictions which we have imposed upon them in reference to navigation. Everybody knows that even during the system of protection our colonies bore most impatiently those restrictions on their navigation. When Mr. Huskisson brought forward his proposal with regard to treaties of reciprocity in 1826, he declared it to be his opinion that these restrictions upon trade and navigation had had more to do with that fatal war which took place between the American colonies and the mother country, and which led finally to the independence of the American colonies, than the question of taxation itself. I believe there is no one who has looked with any attention into the history of that period but must be convinced that the opinion so expressed by Mr. Huskisson was a well-founded one. Now, with regard to our West India colonies, I have already quoted an account of the injuries inflicted during several years upon the island of Jamaica for want of supplies from America after the independence of the United States; but the whole history of the West India islands shows, that even during the period of the system of protection, they were constantly complaining of the injuries imposed upon their trade by our system of navigation laws. The history written by Bryan Edwards is full of the complaints made by the colonists to the Board of Trade of that day, and of accounts of the struggles which took place between the West India colonies and those of Canada, New Brunswick, and Nova Scotia, and the Government of the mother country, in consequence of the complaints of the former, on account of the grievances which these navigation restrictions inflicted upon them. I now ask the Committee well to consider, whether they think it possible or just, after having adopted a policy which deprives all colonial produce of any preference in the markets of the mother country, to maintain those restrictions which could only be justified as long as the produce of these colonies enjoyed protection? [" Hear, hear!"] I understand those cheers coming from the benches opposite. Undoubtedly those hon. Gentlemen would urge the argument I am now using as a reason for persuading us to retrace our steps and restore protection once more to the colonies; but I now address myself to those who are not prepared to take that step; and I think I have a right to ask them to join me in relieving the colonies from restrictions which are so unjust and insupportable, especially in the condition in which those colonies are now placed. I have stated that remostrances and complaints have come from all parts of the British colonial possessions with regard to the operation of this Navigation Act. I will read to the Committee some of the most remarkable documents that have thus reached the Government from those colonies. I will begin with Canada, and read to the Committee an extract from a joint address from the Legislative Council and Assembly to the Queen, praying for the free navigation of the St. Lawrence by all nations, and the repeal of the navigation laws as far as respects that colony. This address, dated the 11th of July, 1847, states—

> "That measures have been adopted in the neighbouring Republic, with a view to divert the trade of this province to and from Great Britain through the railroads and canals of that country, and thereby to secure to them a large accession of carrying trade, and from which a revenue was yielded last year of about 700,000*l.*; and that there is too much reason to fear that their attempts will prove successful, unless other and further inducements than at present exist are offered in favour of the route by the St. Lawrence. That to afford such inducements, and to prevent a calamity so much to be apprehended, we humbly pray that your Majesty will be most graciously pleased to sanction the free use of the navigation of the river St. Lawrence by all nations; and that, to that end, your Majesty will be further graciously pleased to recommend to the Imperial Parliament to repeal the laws of navigation so far as they in any manner relate to or affect this colony."

Considering the parties from whom that address proceeded, and the circumstances under which it was agreed to, it is impossible that any document could be more deserving of the attention of Parliament. In conjunction with this address I cannot avoid reading an extract from a despatch penned by the distinguished individual who now fills the office of Governor General of Canada, and dated March 26, 1847. It contains much good sense, and I take the liberty of recommending it to the consideration of the hon. Gentlemen opposite, particularly those who are connected with British North America. Lord Elgin said—

> "It will probably be urged in certain quarters that the monopoly of the river navigation is essential to the maintenance of British supremacy in this portion of North America, and that the authority of the mother country will be imperilled if the United States are permitted to share the privilege. It may well be doubted, however, whether these apprehensions are well founded. One of the most efficacious expedients for securing the allegiance of a high-spirited and enterprising people is to convince them that their material interests will not be advanced by separation; and with respect to any disposition on the part of the United States to resort to a policy of aggression, I think it may safely be affirmed that nothing will be more likely to keep such a tendency in check than the knowledge that it will entail the destruction of a flourishing trade, in which the citizens of that country are largely engaged."

Those are wise and statesmanlike opinions. My belief is, that the more liberal and beneficent our policy towards the colonies shall be, the more strict and durable will be the ties which bind them to us. I might multiply extracts from the correspondence of various parties in Canada, all bearing on the same point, but I feel it unnecessary to do so. I think that if the Committee will only consider the position of the British North American colonies at this time with regard to the United States, with its system of drawbacks, giving every possible facility for the export of the produce which grows on the great lakes through the canals of the United States in connexion with the port of New York, whilst, on the other hand, every encouragement is given by the same system of drawbacks to import, by way of New York, goods intended for the use of those flourishing portions of Upper Canada, about the great lakes—if the Committee will only consider this state of things, it will see that we are deeply interested in affording the people of Canada every possible facility, by means of cheapening freights (which can only be the result of competition), to avail themselves of the natural advantages which the St. Lawrence presents. So much for British North America. I now come to the West Indies. The strongest representations have been sent to this country by the West Indians of the evils which they believe themselves to be suffering in consequence of the restrictions which they conceive to be imposed upon them by the navigation laws. I am aware that some persons will say that the West Indians do not understand their own interest in asking for this change. All I can say is, that the West Indians themselves are of a different opinion. The West Indians urge, that since we have adopted the policy of depriving their produce of the preference which it used to enjoy in the markets of this country, they are entitled to claim, as a matter of justice, that they should be released from the trammels of the navigation laws. I request the attention of the

House to the following extract from a memorial to Her Majesty from the House of Assembly of Jamaica:—

> "Your memorialists could point out the advantages possessed by the Island of Jamaica for becoming a commercial depôt, especially as to position with respect to both continents of America and the surrounding islands. If the navigation laws were withdrawn, foreigners would bring assortments of goods from Europe, Asia, and North America, and other foreigners would come to purchase and re-export these; and, as the Government of England already permits the abolition of all differential duties hitherto enforced for the protection of her manufactures, no injury could arise from an extension of this permission, and a relaxation of the navigation laws. Your memorialists would call to your Majesty's consideration that the prosperity of your Majesty's colonies cannot but be beneficial to the people of England, who always have been able to undersell the manufacturers of all other countries, and could not fail to find in the free ports of Jamaica a profitable outlet and depôt for their productions, both for consumption and exportation; nor could any loss occur to them in regard to their shipping, which has ever competed successfully with that of the world; a great demand would inevitably arise both for ships and manufactures and merchandise of all kinds. The benefit to Jamaica from such relaxation of the navigation laws would be infinite; it is the most desirable boon that her inhabitants could solicit or receive from your Majesty's Government; it would aid Jamaica out of her difficulties; it would be hailed with exultation, and acknowledged with every sentiment of gratitude and respect, and it would be an honourable and generous concession on the part of Great Britain, which would exalt her in the esteem and admiration of all other nations."

I will also trouble the House with an extract from a despatch of Lord Harris, the Governor of Trinidad, to Earl Grey; it is dated January 20, 1847:—

> "But what I intended to ask is, whether any relaxation in the terms of the navigation laws might be hoped for; such as I am informed has already been granted to the Mauritius, and which the nature of the population of this island and its position might warrant, so as to allow the goods of all nations to be brought here in any vessel without restriction; it would undoubtedly promote an extensive and direct commerce between Trinidad and France and Spain, which is now much retarded and restricted by being carried on by way of Martinique and the Spanish Main. Another great advantage would accrue respecting immigration, as the freight of immigrants would be much reduced. When Coolie labour was first proposed to be introduced, American vessels could have been procured to bring them at 9*l.* per head, whereas the present charge is nearly 18*l.*"

I feel, however, it would be an unpardonable waste of time if I were to argue the question whether it would be advantageous to the West Indies to abolish these restrictive laws. Looking at the position of the West India Islands, which qualifies them to be the entrepôts and depositaries of the merchandise of that part of the world, it is impossible to foretell what development of trade might take place if those colonies were allowed the free use of their own energies in unrestricted intercourse with the other parts of the world. I am unwilling to detain the Committee longer than is necessary by quoting from the evidence taken before the Committee which was appointed on the Motion of my hon. Friend the Member for Stoke-upon-Trent (Mr. J. L. Ricardo); but I cannot allude to that Gentleman without offering my tribute of gratitude to him for the great ability and industry which he has brought to bear upon the question, and for what he has done to promote just and sound views on the subject. It was but the other day that Mr. Gillespie, one of the greatest North American merchants, came to me at the office of the Board of Trade, and stated, that if the navigation laws should not be repealed as far as regarded the West Indies, he had made up his mind finally to abandon the trade. Mr. Gillespie's opinions must carry great weight with them. I believe he is a protectionist; and though he is sorry that we reduced the duties which gave a preference to colonial produce, yet he says that, having done that, we must repeal the navigation laws. If we do not do that, Mr. Gillespie thought that we should commit an act of monstrous injustice. Gentlemen opposite may cheer, but I think I am entitled to say, even upon their own principles, that if a majority of this House will not retrace their steps and reimpose differential duties for the protection of colonial produce, we must not retain restrictive laws which would drive Mr. Gillespie and other enterprising merchants from the colonial trade, in which they are prevented by the operation of those laws from competing with foreigners. I could also read to the Committee memorials to the same effect from Ceylon and Australia. Thus much with respect to the navigation laws, as they relate to the colonies.

I will now advert to that portion of the navigation laws the object of which is to secure to this country the long voyage trade, and which prohibits even British ships from bringing to England the produce of Asia, Africa, or America. At present a British ship could not bring from Havre or Hamburgh sugar, cotton, or any other article, the produce of those three quarters of the globe. This branch of the navigation laws is almost universally condemned. I shall be surprised if it finds protectors even in the ranks of hon. Gentlemen opposite, for several among them have intimated that they are prepared to abandon part of the navigation laws, and I suspect it is this part. Let us see how it operates in the way of protection. If the cotton of the United States, or the Alpaca wool of South America, be made into cloth, or the sugar of Brazil be refined in a foreign port, or if mahogany be converted into furniture, it may be brought into this country, because it is then no longer raw produce, but manufactures, with which we have to deal. The consequence is obvious — the navigation laws give a premium to the foreign manufacturer against our own manufacturer.

That is not the only evil which results from this portion of the navigation laws; it also deprives our shipowners of a great deal of business. Some conversation took place in this House not long since about the difficulty of bringing some cotton from Havre to this country. The cotton had been carried to Havre on English account in foreign vessels, and landed at that port. Political events in France destroyed the market for cotton in that country. It could have been sold at Liverpool to advantage, but in the existing state of the law no British ship could bring it. The consequence was that the British merchant who sent the cotton to Havre lost his money; the British shipowner lost the profit he would have made by bringing it to England; and the British manufacturer lost the profit he would have gained by working it up into goods. Can so absurd a restriction as this be of any advantage whatever? The attempt to secure what is called the long voyage for our shipping by these means is perfectly futile. I remember that a Friend of mine, a Member of this House, lately imported into Havre a cargo of ground nuts, which are articles of African produce, extensively used in the manufacture of oil. This Gentleman came to the Board of Trade, and begged that the Treasury would grant him permission to bring his merchandise from France, where it was unsaleable, to this country, where he could find a ready market for it; but I was reluctantly obliged to tell him that such a proceeding would be in the teeth of the absurd restriction imposed by the navigation laws, and that neither I nor the Treasury was able to dispense with the law of the land. I cannot for a moment believe that the Committee can suppose that the commercial and maritime state of this country can depend upon the maintenance of such preposterous restrictions. The truth is that commerce has outgrown these restrictions. They may have produced a comparatively small amount of mischief in former times; but we are now running the race of competition in a vastly extended system of commerce, against rivals who are unencumbered by similar restrictions. To continue such a system would be like putting new wine into old bottles; the result could not but be disastrous. On this point abundant evidence was given before the Navigation Committee; but I will read to the Committee only two extracts from the evidence given by as many witnesses. Mr. R. V. Swaine, a merchant at Hamburgh, said that—

> "If the navigation laws were repealed, the whole of the Alpaca wool, South American sheep wool, and nitrate of soda, and almost all the palm oil from the coast of Africa brought to Europe for account of Hamburgh merchants in foreign bottoms, would go to London or Liverpool. The palm oil which now goes to Hamburgh would go to England in Hamburgh vessels. The operation of the navigation laws, with respect to the supply of Peruvian wools to this country, such as are brought to the continent of Europe first, is unquestionably unfavourable to British manufacturers, because the German manufacturer is purchasing that article now at a less price than the manufacturers can purchase it in Lancashire and Yorkshire, and the consequence must be that the German manufacturer can afford to sell his cloth at a less price than the English."

Mr. G. Houghton, a merchant in London and the Canary Islands, said—

> "The navigation laws interfere excessively with the trade with the Canaries. The cochineal produced there is obliged to be shipped to Cadiz, owing to the few English vessels coming direct to England. Having once been landed in Europe, it cannot come to England, as being the produce of Africa, except for exportation, although the Canaries are virtually part of Spain. The consequence is, that it now goes almost entirely to France. The barilla trade is circumscribed much in the same way. Cochineal can be sold at 4*d.* or 6*d.* per pound more for consumption than for exportation. This prevention of the importation of cochineal from Europe into Great Britain gives a very great advantage to the French and other foreign manufacturers over the English manufacturers, as the cochineal of the Canary Islands is of a very superior quality. The effect is an addition of 6*d.* per pound to the price, besides the injury caused by the prohibition of its use in British manufactures."

But, Sir, the Committee will form an inadequate idea of the impolicy of these restrictions, if they look only to the cases of actual injury produced by them. Of far greater importance than that is the trade which they prevent being carried on at all. It is hardly possible to estimate the extent to which commerce would be developed if it were relieved from these restrictions, and the navigation of the country conducted on the same liberal principles as those which Parliament has applied to our system of duties.

I shall now address myself to the remaining branch of the subject, namely, those provisions of the navigation laws which have for their object to secure the indirect or carrying trade to this country. I feel it unnecessary to discuss whether the attempt to secure the carrying trade to this country at a former period was or was not wise policy. I have no wish to disguise what my own opinion is, namely, that at no time did the measures adopted effect the object they were intended to attain. But we shall greatly deceive ourselves if we suppose that the question whether or not we shall retain the carrying trade exclusively to this country, is one the decision of which rests with ourselves. The House must recollect that this is a game which two can play at. Foreign nations have given no very obscure indications of what their intentions are upon this point. My impression — derived from those best able to form an opinion—is, that foreign nations are determined not to trade with us except upon equal terms; and the practical question which the House has now to decide is, whether we shall engage in a contest with every commercial nation in the world for the maintenance of privileges which are many of them worthless, and some positively injurious; or whether, on the contrary, we shall, by making timely concessions and adopting a more liberal policy, place our commercial interest on a surer foundation of prosperity than it has hitherto rested upon. From one country we have already received an important intimation upon this point, not in the way of menace, for it was given in no hostile or unfriendly tone, but of warning. It comes from the same country which induced Mr. Huskisson to make his great alteration in the navigation laws in 1823—Prussia; and on this occasion Prussia speaks with the voice of Germany. Our commercial treaty with Prussia is on the point of expiring; and an intimation has been given by M. Bunsen, the Prussian Minister, that it will not be renewed by Prussia upon the same terms as before. M. Bunsen says in a note addressed to Lord Palmerston, dated May 10, 1847—

> "The Treaty of 1841 does not allow Prussia, as the aggrieved interests and public opinion in Germany, which powerfully supports those interests, would require, to restrict in an analogous manner the admission of British ships; for the second article of this treaty accords to Great Britain the right of the most favoured nation with respect to the importation of sugar and rice. The expiration of the treaty at the end of the present year will restore that liberty to the Prussian Government; and a change in the laws affecting navigation has been the subject of its serious consideration. The nomination of a Parliamentary Committee to examine the English navigation laws, and to report during the present Session of Parliament thereupon, has nevertheless held out to the Prussian Government a hope that Great Britain will, at no remote period, by means of a general legislative measure, cause the restrictions to disappear which at present weigh upon German navigation and commerce, and which so notoriously impede the development of the commercial relations of the two countries."

The allusion to the Committee on the Navigation Laws in this extract is deserv- of a passing notice. Hon. Gentlemen opposite said, that the appointment of that Committee would be productive of nothing but mischief, whereas it is evident that it had the effect of suspending the blow which Prussia was already prepared to strike, and which, but for the appointment of that Committee, would have already fallen upon our shipping interest. I have reminded the Committee that a voice of warning came from Prussia. I will now speak of another country from which has proceeded a voice, not of warning, but of invitation; I allude to that great republic of the British race, which is second only to ourselves in commercial and manufacturing industry — the United States of America. In the autumn of last year, the American Minister, Mr. Bancroft, put himself in communication with my noble Friend the Secretary of State for Foreign Affairs, and myself, and informed us, that the Government of his country, believing it was the disposition of Parliament to make a large and liberal alteration of the navigation laws, was most anxious to cooperate with us in that work, and in conjunction with us to give an example to the rest of the world, which he hoped would be productive of the most important and salutary effects. Mr. Bancroft's language, in a conversation which I had with him upon this subject, was, "We are ready to do anything you like; if you can do but little, we must do little—if you can do much, we will do much—if you shall do all, we shall do all." My noble Friend requested Mr. Bancroft to put his views in the shape of a formal communication, and the consequence was, that he addressed a letter to the Secretary of State for Foreign Affairs which I will now read to the Committee:—

"American Legation, Nov. 3, 1847.

"The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honour to inquire of Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, if Her Majesty's Government is inclined to remove existing restrictions on international commerce. Universal reciprocity, in the widest sense, is held by the American Government as the only thoroughly appropriate basis for intercourse between two great nations. The prohibition of the indirect trade has but restrained enterprise; it has done good to neither country. To abrogate it would at once set free dormant commercial wealth, without injuring any one. Should Her Majesty's Government entertain similar views, the undersigned is prepared, on the part of the American Government, to propose that British ships may trade from any port in the world to any port in the United States, and be received, protected, and in respect to charges and duties, treated like American ships; if reciprocally, American ships may in like manner trade from any port of the world to any port under the dominion of Her Britannic Majesty. The removal of commercial restrictions, while it would be of mutual advantage to the material interests of both countries, could not but give openings to still further relations of amity between them; and by its influence on the intercourse of nations create new guarantees for the peace of the world.

"George Bancroft."

I will not read the reply of my noble Friend to that communication; but simply observe, that he stated to Mr. Bancroft, that though he was not prepared to enter into negotiations on a subject which would imply the abandonment of some of the most essential principles of our navigation law, and that such a course, with a view to any final arrangement, would not be justifiable on the part of the Government without the previous sanction of Parliament, yet that Government were prepared to make such proposals to Parliament as would meet the views expressed by Mr. Bancroft on the part of the United States. Thus, concurrently with this warning from Prussia, in which Prussia spoke in the name of Germany, and, I believe I might add, all other foreign countries, we have this invitation from America; and I should for one most deeply lament if we were to throw away the opportunity thus presented to us. I should indeed lament if we were prevented from availing ourselves of this opportunity, believing as I do that it is a matter of grave concern that our navigation laws should be placed on a sound footing, and also that no time should be lost in doing so—that we should not follow the course which, I am sorry to say, has been too frequently the case in preceding alterations—that they have come somewhat too late, and not till great practical evils have been inflicted.

I have now stated to the Committee in a general manner what the navigation laws are, and I have stated my reasons for believing that we cannot, consistently with the interests of this country, maintain those laws in their present shape. I shall now proceed to state what are the alterations that on the part of the Government I am desirous to make, and I will begin with those parts of the navigation laws that I do not propose to alter. It is not my intention, then, to make any material alteration with regard to the coasting trade of this country. I have not adopted this resolution because of any belief that if we were to throw open the coasting trade foreigners could by possibility, to any great extent, avail themselves of it. On the contrary, I am bound to admit that, if there is any part of our navigation that is more protected by nature from foreign interference than another, it is our coasting trade; but, on the other hand, if that is the case, I think it must also be admitted that throwing open the coasting trade would produce no very great amount of good. I cannot think that if foreigners are by nature so practically excluded from the coasting trade, an alteration of the law would produce any great relief or benefit to any interest. Under these circumstances, and being desirous not to recommend to the Committee any alteration of which I cannot lay the foundation on a case of urgent and absolute necessity, I think that as a matter of prudence and circumspection, in dealing with a subject of this magnitude, in which the feelings as well as the interests of the country are involved, and seeing, moreover, that no practical advantage could be gained by throwing open the coasting trade, while it would cause considerable alarm among the shipowners and merchants of the country—an alarm, nevertheless, which I could not share—I think that, on the whole, the more prudent and advisable course is not to ask the Commitee to interfere with that branch of our navigation. I may also add that I think there may be just objection to any change in this branch of our trade for another reason; there may arise many difficulties with regard to the management of the revenue and police of our coasts, if the admission of foreigners to the unrestricted use of the coasting trade is conceded. On these grounds, the Government have come to the determination that it is not right to interfere with the navigation laws relating to the coasting trade of the country. For reasons somewhat similar, but, I think, stronger, in degree, I do not intend to propose any alteration in the laws which restrict the fisheries to English vessels. Those laws will be affected in an indirect way by the general alteration of the navigation laws; but, so far as regards mere fishing, I propose no alteration. Having made these reservations, I shall propose to the Committee to deal in a very large and general and comprehensive manner with the remainder of the system of our navigation laws. The truth is, that system hangs so together, that it is very difficult to separate one part from another; and on the best consideration I have been able to give the subject, I believe there would be little practical advantage in doing so. Moreover, I am bound to say, that having looked into each of the several parts of our protecting system—that part, for example, which restricts the importation of goods the produce of Asia, Africa, and America, from European ports, either in foreign or British ships, and also that part which is devised to protect our carrying trade—I cannot believe that this country has any real interest in retaining these laws, at least so far as regards foreign countries that may be disposed to reciprocate with us in respect of these matters. I therefore propose, by Act of Parliament, altogether to strike out of the Statute-book the existing restrictions; but I shall desire the Committee not to deprive the Queen in Council of that power which she already possesses, under so many statutes, of imposing countervailing duties, if she so think fit, on any foreign nation that may treat our shipping with injustice. I do not propose that the exercise of this power shall be obligatory on the Crown. I do not propose that the Crown, for the mere sake of retaliation, shall be obliged to impose restrictions on the ships of a foreign country which imposes similar restrictions on ourselves; but I do not think that it would be expedient so completely to strip this country of all power of retaliation, under all possible circumstances, and under any amount of aggravation and injustice, as to deprive the Crown of the powers which it already possesses under so many Acts of Parliament. I do not know whether I have clearly explained to the Committee the plan which I mean to submit, but I shall be ready to do so, if required, still more explicitly. [Sir R. Peel: What restrictions, if any, are to be placed on the fisheries?] With regard to the fisheries I make no alteration, and whatever privileges fishers have on our coasts they will still retain. Those rights depend upon the law of nations, and upon various treaties with other countries, especially with France. There are certain enactments which I adverted to in the beginning of my speech, to which it is now necessary to call the attention of the Committee. These are the Acts which regulate the character of British vessels—the ownership, the building, and the manning of vessels. I think, in exposing the British shipowner in the manner I propose to competition with all parts of the world, it is but reasonable that he should be afforded every facility for obtaining his ship at the cheapest rate. I therefore propose to do away with the restriction which at present limits the right of acquiring a British register to a British-built ship. I propose that a ship built abroad, but owned by Englishmen, shall be entitled to a British register, whether that ship be employed in the coasting trade or in foreign commerce. With regard to the ownership, I do not propose any material alteration. There are some anomalies which I hope to remove; but with regard to the general principle of rendering British ownership necessary, I do not make any change. With regard to the manning of vessels, I propose still to make it necessary that a British ship engaged in the coasting trade shall have a crew entirely composed of British seamen; and I propose no alteration in the law regarding the crews of British ships engaged in the foreign trade, but will require that they still have three-fourths of their crew British sailors. There is one alteration with regard to manning that I shall propose, and this I think it best to mention before I proceed to the subject of apprentices. I shall propose to raise Indian seamen, who go by the name of Lascars, to the character of British seamen. I think it is absurd and unjust to leave them in their present position, and, therefore, I will take this opportunity of placing the Lascars on the same footing with British seamen. To this privilege they are fully entitled by their excellent conduct, and by the uniform fidelity they have shown to British connexion. Then I propose altogether to abrogate the necessity of taking apprentices. I believe this obligation has been of the most inconvenient and burdensome nature, and I have no hesitation in saying it has utterly failed in its object. The effect has been, that one-sixth of the crews of the merchant navy consists of these boys, and, as a necessary consequence, there has been a great disturbance of the labour market. The system tends to drive the ablebodied men out of our ships, and to force them to seek employment in the American or Swedish navy, or in that of any other country where their services are required. This is the effect of overstocking the labour market by compelling shipowners to take these boys. I believe that so far from this restriction answering its purpose, namely, to increase the number of ablebodied seamen in the British Navy, and to provide a nursery for the Royal Navy, it has not in the slightest degree done so, and has not in any way improved the character of those engaged in the commercial marine. The law makes it necessary to have a certain number of apprentices on board ship; but this, in future, I will leave entirely in the option of the shipowner, and enable him, if he so choose, to employ none but ablebodied seamen. In his examination before the Navigation Laws Committee, Sir James Stirling, a most competent authority, says on the subject—

> "It throws the older seamen out of employment at times when trade is not very brisk, and leaves them no alternative but to seek employment in foreign service. The law requires that about a sixth-part of the whole number of seafaring persons shall at all times be apprentices; but, if too many seamen are made by this process, the hardship falls upon the old sailor, who is thrown out of employment, or is prevented from getting full employment. It appears to be an arbitrary interference with the labour market, is at all times a hardship upon the shipowner, and at certain times a hardship upon the seamen."

Mr. Duncan Dunbar says—

> "We being compelled to take apprentices entails a very considerable expense and very inconsiderable inconvenience. If not obliged to send boys, I should send a ship with twenty ablebodied men. I now send her with fourteen ablebodied, and six ordinary men, and six apprentices. The ships could be better manned if we were not compelled to send boys, and there would in that case be more security for the lives of the people on board."

I think I have now given an outline of the measure I have to submit to the Committee on the part of the Government. I will now recapitulate the scheme I had laid before them. I propose to reserve unaltered the law affecting the coasting trade and fisheries of this country, and of all our colonial possessions. With regard to the coasting trade of the colonies there is a modification to which I will hereafter allude; but, with this exception, I propose absolutely to throw open the whole navigation of this country, of every sort and description. I propose, however, to retain to the Queen in Council the power of putting such restriction on the navigation of foreign countries as she may think fit, if those countries do not meet us on equal terms—not making it obligatory on the Queen in Council, but enabling Her to use such power in such a way as may be best for the interests of the country. I ought to have stated, as regards the coasting trade of the colonies, that I propose to reserve it in the same manner as I do the coasting trade of the mother country; but I mean to allow each colony, if it shall think fit, to pass an Act, throwing open the coasting trade to foreign ships, such Act to have the consent of the Crown in the usual manner; in short, that each colony shall be allowed to deal with its coasting trade as it thinks proper. If such a power were not given, the case of Canada and the St. Lawrence would not be provided for at all. As to the manning, ownership, and building of ships, I propose that, to entitle a vessel to be called a British ship, it shall not be necessary that she be British built, though it will be necessary that she be a British owned and British manned ship, retaining the regulation that now exists of three-fourths of the crew being British. I propose, however, altogether to do away with the necessity of having a certain number of apprentices. These are the outlines of the alterations which I have ventured to submit to the consideration of the Committee. I do not disguise from myself that they are of a very grave and serious nature—that they go to the very foundation of what have hitherto been considered the navigation laws of this country: and I can assure the Committee that it is only after giving the subject full deliberation, and having come to a full conviction in my own mind that the alterations in question would be most conducive to the interests of this country, that I have ventured to propose these alterations to the consideration of Parliament. I cannot believe that the alterations which are contemplated will really injure the commercial marine of this country. I look to the results of the removal of former restrictions, and the progress towards commercial freedom. I recollect the prognostics made of the ruin which would befall the trade of this country in consequence of the alterations made by Mr. Huskisson in 1826. But I beg to remind the Committee of what has been the result of those alterations, which will appear from the following statement of the tonnage of shipping which belonged to the ports of the United Kingdom and its colonial possessions in 1824 and 1847 respectively:—

	United Kingdom.	Colonies.	Total.
1824 ...	2,348,314 ...	211,273 ...	2,559,587
1847 ...	3,307,921 ...	644,603 ...	3,952,524
		Increase	1,392,937

There may have been ebbs and flows of prosperity since, but I think these figures, which indicate so great and steady a progress, clearly prove that the relaxation then made by Mr. Huskisson has not been productive of that injury which many persons expected it would cause. If I turn to the general commerce of the country, and especially to that portion of it which has been particularly exposed to competition with other countries, and then compare it with that part of our own trade which has been especially protected, I find nothing to discourage me from proceeding in the course of commercial liberality. I hold in my hand a return which has been the subject of much comment, and which was produced before the Committee on the Navigation Laws; I mean the statement of the tonnage of British ships that entered the ports of the United Kingdom from different foreign countries and British possessions in each of the years 1824 and 1846; distinguishing the tonnage employed in the trade with British possessions, and which is protected by the navigation laws, from the tonnage employed in the trade with foreign countries, and which is unprotected from competition with foreign ships. Now, a great deal has been said about the unfairness of the statement made in that return; and thus far I agree with the objections urged against it, namely, that the term "unprotected," used in the heading of the return, is not strictly applicable. If the designation had been "less protected" instead of "unprotected," it would undoubtedly have been more correct. I must say, however, in favour of the officer of the Board of Trade, by whom this return was drawn up, that the distinction between "protected" and "unprotected" was made by Mr. G. F. Young, who fought most stoutly the battle of the navigation laws; and therefore with reference to Mr. Young's evidence, at any rate, no blame could be thrown on the officer of the Board of Trade. But I think we must allow that there is a broad distinction between the closely protected trades, and those which are in some degree open to competition. The result of this return is this, that while in the protected trade the British tonnage for the year 1824 was 893,097 tons, and amounted in 1846 to 1,735,924 tons, being an increase of 842,827 tons, or 94.37 per cent, the tonnage in the less protected trade was 904,223 tons in 1824, and 2,558,809 tons in 1846, showing an increase of 1,654,586 tons, or 182.98 per cent. With reference to that return I will call the attention of the Committee to the comparative effects produced on British and foreign ships engaged in this less protected trade. I hold in my hand a comparative statement of the tonnage of British and foreign ships that entered the ports of the United Kingdom from the same foreign countries in each of the years 1824 and 1846, showing the actual and per centage increase that has occurred between those years:—

TONNAGE.

British.		Foreign.	
1824	1846	1824	1846
Tons.	Tons.	Tons.	Tons.
904,223	2,558,809	758,599	1,803,177

British Increase.
1,654,586 tons; or, 182.98 per cent.

Foreign Increase.
1,044,578 tons; or, 137.70 per cent.

This statement shows, therefore, that the general amount of commerce in the less protected trade had increased more than in that trade in which a strict monopoly existed, and also that the increase in British shipping was greater than in foreign. I have stated shortly my reasons for believing that the British shipowner and British commerce will not be injured by the alterations in the law which I propose for the consideration of the House. I do not, either, entertain any apprehensions that the British shipbuilder will be injured by these alterations. When I consider the great natural advantages which this country possesses in regard to the manufacture of ships—in iron, in cordage, in paint, and in a greater choice of timber than any other country in the world has at its command, I cannot believe that there is any danger which the British shipbuilder will suffer, when he is brought into competition with the shipbuilders of other countries. It is a great mistake, when comparing the cost of ships, to look merely to the actual amount of money which has been expended in their construction. We must also consider the quality of the ships built and their durability; and I believe it can be proved that, taking ship for ship, and considering the excellence and durability of British ships, we are able to build ships fully equal to those which are constructed in any other part of the world. If the trade of shipbuilding depended merely on the cost of construction, the British shipbuilder would have been driven out of the market long ago by our own colonists. Those ships which cost least in construction are at this moment built by our North American colonists. For many purposes they are very useful; but it is very far from being the case that they have superseded the employment of the dearer sort of ships built on the coast of England; and, while there is no doubt that colonial shipbuilding has greatly increased, the trade of shipbuilding on the coast of England has also increased enormously. I have mentioned the great advantages which the English shipbuilder enjoys; but I am told that he has to contend with great disadvantages in the rate of wages which he has to pay. Now, my opinion is, that the disadvantage which he labours under in that respect is far more nominal than real. I believe that, taking the value of the work done into consideration, English labour is not the dearest, but cheaper than any other labour in the world. Look at what takes place in our dockyards. It has been tried to build British ships of war in the dockyards of Bombay. The timber there is excellent, and labour is nominally very cheap; but it has been found by experience to be far cheaper to build a ship of war at Portsmouth or Plymouth than at Bombay. My hon. and gallant Friends connected with the Board of Admiralty, will tell the Committee that the nominally cheap labour obtained in the dockyards in India is found to be dearer than English labour at home, though six Hindoos may be hired for the same wages which would be paid to one Englishman. I will also advert to a circumstance which I think ought not to be left out of consideration, namely, that if we repeal the navigation laws, materials for shipbuilding will be brought to England at a cheaper rate than at present, and in that manner also the shipbuilder will derive considerable advantage from the repeal of those laws. Upon the whole, I am satisfied, that when the Committee comes to consider this part of the subject, they will be convinced, that while they do an act of justice towards the British shipowner, they will not destroy the valuable and important trade of the British shipbuilder. I can see no reason whatever for our lagging behind any nation of the world in the trade of shipbuilding; and if there does at present appear in the United States any evidence of superiority over us in that respect, I think it may be ascribed to the spirit of monopoly which has hitherto prevailed here. It appears to me, that any one who is prepared to contend that ships cannot be built in England as cheaply, considering their quality, as in any other country of the world, ought also to contend that we cannot conduct any manufacture as cheaply as it can be done in foreign countries. I cannot conceive any argument of that kind which would not apply to our great cotton and many other manufactures in the same degree.

I now come to the objection which I know has the greatest weight in the minds of many men, and if I believed myself in its truth and validity, I confess I should think that all the arguments I have adduced in favour of these changes ought to go for nothing; I refer to the objection that this alteration in the navigation laws would be destructive of the military marine and naval greatness of this country. Adam Smith has declared his opinion that, as the defence of the country is better than opulence, the navigation laws impose a wise and salutary restriction. I will not inquire whether, in the days of Adam Smith, that opinion was well-founded or not, although, speaking with that diffidence which it becomes me to use in questioning the soundness of any statement made by so great a man, I may venture to state my own opinion, that this declaration involves one of the few errors which Adam Smith ever made. At any rate, whatever truth and force there might have been in the application of those laws in the time of Adam Smith, I believe that his arguments in their favour would not apply now. The question with me is, will the removal of these restrictions in the navigation laws increase or diminish your mercantile commerce? I am not prepared to go the length of those who contend that you can separate maritime commerce from naval power; for I do not believe that maritime power can be placed on any other basis than a commercial marine, and if I thought that the changes which I propose would have the effect of crippling our commercial marine, I should not recommend them to the consideration of the Committee. But, as I contend that this will not be the consequence of these alterations, I cannot see how it is possible, so long as our commercial marine is maintained, that the military marine of this country should suffer. Mr. Huskisson truly stated that the only secure foundation of our naval power was to be found in the beneficial employment of our commercial marine. I apprehend no danger to our mercantile navy from a free competition with the ships of foreign countries; but I must admit that there are causes in operation which threaten the continuance of its prosperity. I hope the attention of Gentlemen has been directed to the very remarkable correspondence which has been laid on the table of the House, and which is contained in the letters of our consuls abroad in reply to the inquiries addressed to them from the Foreign Office. I think no Gentleman can have perused those documents without feeling deep concern at many of the statements there made. Our mercantile navy suffers exceedingly in comparison with the mercantile marines of other countries, not from the want of protection, but I regret to say from evils inherent in itself, which no amount of protection will cure, but which, on the contrary, I believe the removal of protection will have a great tendency to eradicate. We find that while the character of British sailors, so far as skill in the handling of ships goes, stands as high as ever, the character of British shipmasters, in many branches of our trade, is at a low ebb, partly on account of their want of nautical skill, and partly owing to their low moral characters. Owing to these causes, our ships are fast losing their character in the commerce of the world. I must say I think it is better to look these evils in the face, than endeavour to dismiss the truth from our minds. The consequence is, that merchants prefer in too many instances to trust their cargoes to American, Bremen, Swedish, and other vessels, rather than to British ships, because of the injurious effects produced in respect to the latter by the want of professional capacity and of proper moral conduct on the part, in too many cases, of the shipmasters, which injures the discipline of the crew, and is the cause that proper care is not taken of the cargo. One can scarcely read a page of the documents I have just referred to without being struck by the painful description of those matters. I will not go further into this part of the subject at present; but I have thought proper to call the attention of the Committee to it, because it is my firm conviction that these evils have grown up very much in consequence of this principle of protection, which has led shipowners to believe that they may depend upon that, and need not exert themselves otherwise to improve the condition of their ships; and I believe that the effect of the stimulus of competition would be, that the shipowners would take care that those they employ should be men of improved character. There are other questions connected with the merchant navy of this country which ought to receive the attention of the Committee. Two of those questions, which I propose to submit to the House in the course of this Session, relate to the Light Dues, and to the Merchant Seamen's Fund. There are other measures, which, though not brought before the House in the present Session, will, I trust, before long, be dealt with by Parliament in a manner advantageous to the merchant navy of this country—I allude to the pilotage question—to any measure that can be adopted for insuring a better description of shipmasters, and other measures for the improvement of our merchant navy. With respect to the present system of restriction, considering it in connexion with the effects produced by it to which I have referred, I am convinced, though many persons believe that their interest is promoted by it, that they would find it ultimately nothing but certain ruin. This system of protection and monopoly will avail them nothing for the remedy of the evils to which I have referred, but will only narrow and confine the general commerce of this country. The navigation of this country must depend upon its commerce; and to suppose that anything which cripples and narrows that commerce can be favourable to the navigation of the country is an idle illusion; and the class connected with navigation, as well as every other class, will find their true interest, in the long run, in being allowed to compete with other countries—in being relieved from as many fetters as can possibly be removed from them—and, above all, in not being incumbered by a protection which does them no good, a n is deeply injurious to other classes.

I have now gone through, though I am afraid imperfectly, this great subject, and I humbly and respectfully recommend the proposals I have made to the deliberate and impartial consideration of Parliament. I believe that their effects will be greatly beneficial to this country at large, and to no interest more beneficial than to that which I value as much as any man can—I mean the commercial prosperity and maritime greatness of the British empire. I feel convinced that the tendency of these alterations will be, instead of producing discontented colonies, jealous rivalries among foreign nations, crippled trade and contracted manufactures, to give us good will from other countries, union among ourselves, and the extension of commerce upon a sound and a permanent basis; and I believe that we shall be placing the prosperity of England on the safest as well as on the noblest foundation, if we connect it, as we shall do by these measures, with the general interests, with the expanding trade, and with the continued peace, advancement, and well-being of the whole civilised world.

The right hon. Gentleman concluded by moving the following Resolution :—

> " That it is expedient to remove the restrictions which prevent the free carriage of goods by sea, to and from the United Kingdom and the British possessions abroad, subject, nevertheless, to such control by Her Majesty in Council as may be necessary, and to amend the Laws for the registration of Ships and Seamen."

Mr. ELLIOT inquired, how far the proposed alterations would affect the law requiring the employment in every ship of a number of men proportioned to the amount of tonnage ?

Mr. LABOUCHERE thought his hon. Friend was mistaken as to the present state of the law. He believed that, according to the existing law, provided a British ship maintained the proportion of three-fourths British seamen to one-fourth foreign seamen, it might carry as many or as few seamen, in proportion to the tonnage, as the owners pleased. It was only when the first-mentioned proportion was violated, and more than one-fourth foreign seamen were maintained on board a British ship, that it became necessary to have a certain number of British seamen to the tonnage. But he apprehended that this latter restriction would practically be found seldom to come into operation.

Mr. FORSTER had expected that the Government would have taken advantage of the present opportunity to explain their intentions with respect to the light dues.

Mr. LABOUCHERE observed, that he did intend in the course of the evening to call upon the House to take some preliminary steps to enable him to bring in a Bill with respect to the light dues; but he thought it best not to mix up the one subject with the other.

In reply to Mr. Hume,

Mr. LABOUCHERE said, that Ceylon would be treated as any other British colony.

Mr. GLADSTONE said, that he intended to act in accordance with the general feeling, not to enter into a discussion until after the plan of the Government was laid before the House, and some short delay allowed for consideration, and would now only ask, for the further elucidation of the Government plan, for information on one or two points. He did not perfectly understand that part of the right hon. Gentleman's statement which referred to the fisheries. He apprehended that the right hon. Gentleman said that for the same reason which made it expedient to continue the existing restrictions in respect to the coasting trade, he thought it desirable to continue the restrictions in respect to fisheries; but he did not know whether the right hon. Gentleman had only a view to those existing rights to fisheries within certain limits and banks enjoyed by British ships, or whether he extended his views to the restraints imposed by our commercial law on the importation of fish in foreign vessels, the effect of the provisions in the Customs' Regulation Act being to prevent foreign vessels from coming direct from their fisheries to a British port. That was a question of considerable importance, not only with respect to the supply of the markets of this country with fresh fish, but also with respect to the supply of train oil, which was carried on upon a large scale by American ships. He also wished to know whether it was the intention of the Government to propose any measures to Parliament, or to take any measures which it might be within the competence of the Executive to adopt, either in regard to the education of young persons for the seafaring life, or in regard to the examination of masters and mates ? He had been in hopes that, on the present occasion, the House would have heard some general statement of the effect of the measures adopted some years ago for the voluntary examination of the latter. He should have been glad to know whether the Government thought that that system was of an extensive character, and satisfactory as far as it went, or whether they thought it desirable to give it a farther extension? In respect to the education of persons for the seafaring life, he was anxious to know whether the Government had that subject under view. It might be matter well worthy of the consideration of the Education Committee of the Privy Council, whether it might not be in their power to give aid from the public funds to a class of persons, at the ports of this country, whose education was at present exceedingly defective? He should also be glad to know whether the right hon. Gentleman could give the House some general information of the views and intentions of foreign Powers other than those two—Prussia and the United States—to which he had alluded? Could he say that the views of Sweden and Denmark, for instance, were likely to coincide with the general measures he had introduced? This was a matter of importance; and if the right hon. Gentleman could answer the question affirmatively, that would give satisfaction.

Mr. LABOUCHERE apprehended, that if Parliament assented to the plan of the Government, it would undoubtedly be in the power of foreign vessels engaged in the deep sea fishery to bring the produce of the fishery direct to this country; though, with respect to the coast and bank fisheries, he thought it would be desirable to preserve to our own people the existing privileges. With respect to the intentions of foreign Powers, the Government had not thought it expedient to enter into communications with other Powers besides those he had alluded to, until they knew the sentiments of that House on the subject. It was better that the House should decide on general views and principles, than that the Government should go through Europe asking, "Who will assent to these principles?" The first was the more likely method to attain the object in view. The right hon. Gentleman had adverted to the important subject of the examination of shipmasters. The system of voluntary examination had been in operation for some time, and he was generally able to say that that system had been adopted to a considerable extent. Persons desirous of becoming shipmasters had availed themselves of it, and a considerable number had passed their examinations, and there had been manifested an increasing disposition to take advantage of the system. Under these circumstances he should hesitate to propose to the House that which was very much objected to by persons connected with the merchant navy—a compulsory system of examination. Parliament might be obliged to have recourse to that at last; but he was disposed to give the voluntary system some further trial. With regard to the suggestion of the desirability of encouraging schools in the seaports to give useful instruction for the seafaring life, he attached great importance to the subject, and should be glad to see the House at a fitting opportunity direct its attention to it. He took this opportunity of saying that the Government of this country, part of whose duty it was to protect and promote the interest of the mercantile marine, had not the advantage at present of sufficient professional assistance; and on the occasion of reconsidering the light dues, he contemplated taking advantage of the occasion to propose the constitution of a department of the Board of Trade, to be called the Department of the Mercantile Marine, and to consist of unpaid officers—one of the Lords of the Admiralty, and other competent persons connected with the merchant service, giving it the benefit of their advice. This department would be no additional expense to the country, and would afford the Executive Government the means of considering all questions connected with the merchant service more advantageously. He could assure the right hon. Gentleman that no man was more deeply impressed than himself (Mr. Labouchere) that it was the duty of the Government and Legislature to take every means in their power to improve the condition and to promote the interests of the mercantile marine of this country. As he had before stated, he believed that the measures he had proposed would be beneficial to it; for if he thought otherwise, he should be the last man to have brought them forward.

Mr. ROBINSON expressed his surprise at the introduction of this measure at such a juncture, as there was not the slightest necessity for it. The present moment was the most unfavourable for making such alterations that could well have been selected. He should have thought, too, that there would at least have been some wisdom in postponing the measure until the next Session, and then they would have the advantage of seeing the evidence taken before a Committee of the other House of Parliament; for, without disrespect to those constituting the Committee of last Session, he must say that their mode of pursuing the inquiry was extremely unfair. If there had been any petitions for such a change, the Government might have framed an excuse upon that; but, unfortunately for them, there had been few or none; while, at the same time, the petitions against any change had been exceedingly numerous. The right hon. Gentleman had spoken of petitions from the colonies; but those, he suspected, must be sent by parties who hoped to indemnify themselves for the distresses under which they at present laboured at the expense of the shipping interest. They would, however, find themselves most egregiously mistaken. And so with respect to the consumer in this country, to whom it was held out as a bait that these changes would be beneficial. They were told that if articles of consumption were brought here in foreign ships they would be much cheaper; but a greater delusion never existed. Everybody knew, that except in about thirty articles, the difference between the freights in foreign and British vessels was too small to affect the consumer in the slightest degree. The doctrines of free trade were supported by the plea of reciprocity; but here they had a large measure throwing open a great interest for the benefit of the foreigner without the slightest promise or prospect of a shadow even of reciprocity. In the United States, there was more a spirit of rivalry than of reciprocity; and in the last Message of the President to Congress, it was stated that, if America progressed in the number of vessels as she had done in the last year, the time was not far distant when their commercial and marine navy would be larger than that of any nation in the world. He had forty years' experience as a merchant, and that experience was in favour of the present navigation laws; and he cautioned the Government against reducing in such troublous times our means of manning the Navy; for, in case of a dispute with either France or America—which, however, he trusted would not occur, the ancient sympathy between those countries, now stronger than ever, since both were republics, would induce them to assist each other—and, opposed to their united fleets, England would be in danger of losing her naval supremacy. No man had a higher opinion of the British sailors, who were equal in his opinion, whatever the right hon. Gentlemen opposite might say, to the Americans, and greatly superior to those of other countries; and, even in such a strait as that he had described, he should not despair of seeing them once more triumphant. But was that a moment for increasing our hazards? Was that a time to diminish our commercial marine, and thereby weaken the naval force of the country, while we were increasing the force of America and other countries? He sincerely trusted the Government would not have sufficient influence to carry this measure through Parliament. He knew that the right hon. Gentleman was perfectly sincere in the views he had taken; but the right hon. Gentleman appeared to think, with several hon. Gentlemen who had adopted the principle of free trade, that such were the resources of this country, and so great was the industry of her people, that protection might be thrown overboard, and that all her great agricultural, colonial, and shipping interests might be exposed to unrestricted competition without the least danger. Now, he told the right hon. Gentleman, and he would tell the House, that as far as he could form an opinion, such a line of policy would bring the country to the brink of ruin. He would not commit himself so far as to say that it would ruin the country, for it was hard to tell how far it might be possible to experimentalise with a country so powerful and industrious as ours; but this he would say, that it would bring us to the verge of ruin, and plunge us into financial difficulties from which we might never be able to extricate ourselves. He did not wish to go into the question of free trade generally; but he would tell the right hon. Gentleman, in reply to the confident tone in which he had spoken, that the country had been told the same thing with respect to other changes; and would any free-trader be adventurous enough to say, that it was not now in a worse position than before those changes were made? He was not an advocate for monopolies of any kind. He had no extraordinary sympathy for the agricultural capitalist, the colonial merchant, or the extensive shipowner; but he entertained a strong sympathy for the labouring classes, and he told the right hon. Gentleman that he was a Protectionist, because he knew that if capital were not protected and encouraged in this country, employment could not be found for the people.

Where would be the good effects of free trade, if it were to take capital out of the country? It was true that the proposed alteration in the navigation laws would permit the shipowner to build his ship in a foreign country, where materials and labour were cheap, and thus effect a saving in the construction, and afterwards bring his vessel home to be registered; but this was no boon after all. He, as a shipowner, did not want any such boon. If ships were to be built at foreign ports, what would become of our shipbuilders and operatives at home? What would become of that numerous and important class of the community who depended upon the building of ships in this country, and who were connected with the dockyards and our seaports, for labour? The shipowners might be benefited, but that benefit would be conferred at the cost of hundreds of thousands of deserving operatives. For this reason he would be no party in promoting a change in the existing navigation laws. The right hon. Gentleman opposite had mentioned the name of Mr. Huskisson—a name which was very often alluded to by Gentlemen holding modern free-trade opinions. He begged to assure those hon. Gentlemen that Mr. Huskisson was a free-trader on the principle of reciprocity, but no further. He had sat in Parliament for many years with that distinguished statesman; and though he did not agree with him on questions of commerce and navigation, yet he was bound to say that that great man entertained opinions perfectly sound and perfectly safe, and that he had never introduced a single measure calculated to endanger the commerce or navigation of the country. Upon the question of the navigation laws, Mr. Huskisson said—

> "That wherever the interests of commerce and navigation could not be reconciled, the feeling uppermost in our minds should be—and that was a feeling which ought to regulate the deliberations of Parliament now—that the interests of commerce in all such instances ought to give way, and those of navigation to have preference."

Mr. Huskisson had also said, with reference to the colonies, that the principle on which we should act, would be to confine the colonies to intercourse with the mother country—to prevent them from sending their produce home except in native vessels—and not to allow them to consume the manufactures of other markets. The right hon. Gentleman had alluded to the letter of Mr. Bancroft, and upon that subject he should wish to say a word. Perhaps some hon. Gentlemen who had not sat so long in the House as he had, might not be aware that, since the establishment of American independence in that enterprising country, whenever the Americans had any object in view which was likely to benefit themselves, they never relaxed in their exertions until they had attained it. Whenever there was no opportunity, they adopted the principle of "biding their time;" but when that time arrived, they never failed to avail themselves of it. On that principle Mr. Bancroft had acted. Perceiving that Parliament had entered into an inquiry on the navigation laws through the medium of a Committee sanctioned by the Government, Mr. Bancroft wrote to the noble Lord the Secretary of State for Foreign Affairs and said, "We are disposed to reciprocate, and if the Government will adopt the principle of reciprocity, as regards the navigation laws, you may depend upon it that in time America will be a consenting party." Such was in substance the reply of Mr. Bancroft. Considering the great diplomatic experience which the noble Lord had acquired, it appeared somewhat astonishing that he was not more cautious before jumping at the conclusion which he had evidently done. He wrote back a letter, to the effect that the Government was about to bring forward the subject of an alteration in the navigation laws, and stated that, as far as his Government was concerned, it was ready to reciprocate. Now, if America could really reciprocate, there would not be any ground of complaint against the proposed policy as far as she was concerned; but the noble Lord knew very well that if the Government of this country were to establish a system of reciprocity in the shape of navigation with America, we could not obtain any national advantages that we did not already enjoy, whilst America would derive advantages from us which it might not be at all prudent to grant her. How different was the policy of Mr. Canning, when he declared that England was ready to enter into any friendly relation with America, but that there were certain points which she could not give up, and that one of them was the navigation laws, securing us the colonial trade. With respect to the colonies, he could not see what possible use there was in retaining them, if we were to give their trade to America and to other countries, and be saddled with the expense of sending out governors and keeping up a military defence. The only use of the colonies was to contribute to the strength and commerce of the country; but when they ceased to be effective in that way, the sooner they were got rid of the better. He begged the House to take care how it lightly interfered with those laws upon which depended the labour of the thousands of operatives who were directly and indirectly connected with the shipping interests of the country. If they wished to put down discontent, come from what source it might, they should not do anything which might have the effect of aggravating the difficulties of the working population. The shipping interest employed an enormous number of persons, and many of the principal towns in the empire were in great part dependent on it. It was true they might not be altogether ruined by those changes in the law, but they might be paralysed to a ruinous extent. In conclusion, he assured the right hon. Gentleman that if there were any parts of the Bill which he thought would increase the trade and commerce of the country without trenching upon the fundamental principle of the navigation laws, he would not offer it any opposition; but he must be excused if, holding the opinions he did, he felt himself bound to oppose any measure which he considered might injure the mercantile marine of this country.

MR. HUME differed entirely from the hon. Member who had just spoken as to the advantages of this measure. The hon. Member had very properly stated that the great question which this and other countries had to deal with, was the labour question, and how they were to employ the labouring classes. He believed that this measure would have the effect of increasing considerably the trade of this country, and would do more to employ the people than any other. He thanked the Government for bringing this measure forward. He was confident, from what he had seen, that much injury had been done this country, even within the last year, from the difficulty experienced in bringing materials to our shores. These difficulties being likely to be removed, as he considered, by the passing of such a measure, it was natural to conclude that our trade would be increased every day. He knew no reason why English goods should not compete successfully with the goods of other countries, when placed upon the same footing. There were some burdens that it would be highly necessary for the Government to remove. There was the increased charge upon marine insurance to which the ships of other countries were not exposed. There was also the restriction of apprentices, which ought to be got rid of. He took it for granted that this system would be done away with. It should be perfectly voluntary with the shipowners to have apprentices or not. The apprentices themselves would, in such case, suffer less than under the old system. The number they had heretofore been obliged to keep formed an impediment to the proper management of the ships. The evidence of the shipowners went to show that but for those restrictions in respect to apprentices they would have been much better able to man their ships by an intelligent crew. He thought that the Government had taken the proper course to improve the trade and the condition of the country. The duty upon lighthouses should be done away with. He could not allow that the shipping was treated fairly while the present heavy system of taxation on account of lighthouses existed. There was no less than 400,000*l.* claimed this year for lights, while 90,000*l.* only was required to pay all the expense. The Government had already conferred a vast advantage upon the manufacturing interests of this country by the reduction of the duties upon raw produce; and a measure of this kind, in conjunction with such reduction, was well calculated to increase their interests considerably. An hon. Member from the Opposition benches, who was connected with the Navy, appeared to be alarmed as to the supposed difficulty of obtaining a good supply of seamen for the naval service. The evidence, however, that had been given above stairs was quite sufficient to allay any such fears. Sir James Stirling had given most satisfactory information upon the subject. He believed they were under a mistake in supposing that this measure would have an injurious effect. On the contrary, he believed the effect would be beneficial, inasmuch as it would give us the command of able seamen enough to man our fleet. He firmly believed that the effect of the apprentice system had been to drive our able seamen into the service of foreign Powers. This, however, was an abuse which was now about to be remedied, and he hoped other abuses would be remedied. He believed the whole country was in favour of the measure, and he begged to express an anxious hope that Government would state what they intended to do with respect to the lighthouse dues and marine assurance. He should give the present measure his hearty support.

LORD G. BENTINCK, differing as he did from the hon. Gentleman who had just sat down, could not thank Her Majesty's Ministers for the introduction of the present measure. Considering the great ability of the right hon. Gentleman who introduced the measure to the notice of the House, he never recollected to have heard such a great measure of change recommended on such feeble grounds as those put forward by the right hon. Gentleman. The right hon. Gentleman did not tell the House that the country was unanimous in demanding this change. He could not tell them that any great number of petitions praying for the change had been presented. He did not pretend to say, that the country groaned under any grievance, and that this change was necessary for the interest of the country. He did not pretend to show that freights were too high, or that seamen or shipping were scarce. The only pretence for this change which the right hon. Gentleman had to offer was, that Prussia, forsooth, had threatened, if we did not yield, to trample our shipping interest under foot. Why, the House was told ten years ago by the learned Doctor opposite (Dr. Bowring), and two years ago by the right hon. Baronet the Member for Tamworth, that "Prussia was shaken" in her protective system, and was disposed to relax her restrictive laws. Prussia had seen her corn admitted free into our ports, and the duties on her timber reduced from 55*s.* to 15*s.* a load; yet Prussia was not coming down with her restrictive policy—was not about to offer relaxations of her tariff; but, on the contrary, had increased her duties sixfold on some part of our cotton goods, and had doubled the duty on our yarns. With all this before them, they were now told if they did not repeal the navigation laws, the interests of the country would suffer, for Prussia threatened new restrictions on our trade. Now, then, as to the grievances: he had heard no grievances alleged, except some of those which had been before served up in the *Anatomy* of the hon. Gentleman opposite (Mr. Ricardo). One grievance was, that a Mr. Houghton had sustained a great inconvenience in being debarred by the navigation laws from importing cochineal not from the Canary Islands to England; but that when there were no English ships at the Canary Islands he could not get his cochineal carried except at an expense which raised the value 4*d.* or 6*d.* per lb. Now, in his opinion, it needed no great amount of arithmetic to show that 6*d.* per lb. was about 56*l.* a ton. What! British merchants and British ships not to be tempted by 56*l.* a ton freight to go to fetch cochineal from the Canary Isles! "Tell this to the marines," and they will not believe you! Then something had been said about the difficulty of importing Alpaca wool, which some person who had settled at Hamburg complained he could not bring thence to England. Well, what great grievance was there in that, when he could import Alpaca wool straight to England from all the countries in which it was grown? He believed that the Alpaca was a sort of mongrel between a sheep and a goat; and for the sake of the wool of this animal, half goat and half sheep, and the cochineal of the Canary Islands, the right hon. Gentleman proposed to repeal the navigation laws. The right hon. Gentleman had said that he did not wish to throw any imputation upon the skill, seamanship, or good conduct of the mercantile marine of England. Now, he (Lord G. Bentinck) would not say, that amongst 16,000 or 20,000 captains and skippers there might not be some drunken men or some immoral men; he did not know where, except, of course, in that House, they would find 20,000 men of whom some might not be guilty of immoralities, or occasionally "disguised in liquor." But as to general misconduct—as to any general inefficiency on the part of the mercantile marine—he would like to ask the insurance offices what they had to say on that subject. Were there any ships of any other country which were insured at so low a premium as British ships? It was a fact which could not be denied that there were not. What was the comparative statement of disasters at sea which he had to make in the last Parliament with respect to grain-laden vessels of Great Britain and the United States of America? And it would not be denied, that of all foreign ships none were better sailed than those of the United States. Of the grain-laden ships which sailed between the months of September and May, in the winter of 1846-47, from the United States to England, there were 294 British, and 450 American. Of these, only three British ships foundered at sea, while there were 17 Americans; only four British ships were stranded, while there were 12 Americans; there were but three British vessels which were obliged to throw their cargo overboard, while 17 Americans were reduced to that necessity. Therefore, the disasters which occurred to ships manned by British seamen were in comparison but one-fourth of those which befell the ships of the United States. This was not like the tales of consuls: the ships in this case sailed in the winter season between the United States and this country. This was his answer to all the idle slanders and worthless statements arrayed against the shipping interest of this country as an excuse for repealing the navigation laws. Now, the House had, doubtless, expected to hear from the right hon. Gentleman how the British Navy was to be manned under the new system; but all that he had done was to quote Sir James Stirling. He was an officer of the British Navy, and therefore entitled to be listened to; but he did not wait to be cross-examined. And what, after all, was the gist of the evidence on which the right hon. Gentleman placed so much reliance? It was this, that the mercantile marine were of scarcely any use in manning the Royal Navy, for that only one-tenth of all the seamen of the Royal Navy had ever been in the mercantile service. That statement certainly deserved some attention, if it were true; but an hon. and gallant Friend of his (Captain Harris) had stated that night, that in the *Howe*, which was commanded by Sir James Stirling himself, it was the very reverse of the fact—that nearly one-half, if not more, of the petty officers of Sir James Stirling's own ship had learned their business in the mercantile navy. But the House did not need to be told that; for it appeared from returns laid before Parliament in 1834 and 1835, that out of about 12,500 seamen entered for the Navy in those two years, 9,500 or more had never been in the Royal Navy before. Therefore, Sir James Stirling, on the only point on which his evidence could have been valuable, was altogether mistaken. Sir James Stirling knew nothing of the matter on which he came to give his evidence before the Committee; and no doubt if it had not been necessary that he should go and join the *Howe* instead of being cross-examined, all these facts would have come out, and they would not, for nine months together, have had the changes rung on the evidence of that gentleman. Well; but what had the right hon. Gentleman given as a reason for relieving the mercantile navy from the obligation to take out so many apprentices? Why, he said, the consequence of the present system was that there was a surplusage of seamen—more seamen than could be employed. Why, what stronger proof could they have that the present arrangements were such as would provide for all requirements in case of a naval war? The right hon. Gentleman had not told them that any new scheme was to be devised for that purpose. Sir James Stirling, if he recollected his evidence rightly, proposed that they should maintain a standing Navy, which would be sufficient for the requirements of war. Now, to what did that proposal amount? They all knew, that in the war 114,000 men (exclusive of marines) were required to man the Navy. Would Sir James Stirling propose that they should keep up a standing Navy of upwards of 100,000 men? In order to do that, they must be prepared to add some 2,000,000*l.* or 3,000,000*l.* sterling to the annual Navy Estimates. While, however, the right hon. Gentleman quoted Sir James Stirling, he did not adopt his proposal; neither did he tell them of any alternative by which he could supply seamen for the Navy in case of necessity. In the year 1815 this country was enabled, upon very short notice, to add 70,000 men to the Royal Navy. He wanted to know how they could make such an addition as that on any sudden emergency if they stripped the mercantile marine of that surplusage of men which it was said now to possess. The right hon. Gentleman had not told them, as he ought to have done—and he supposed that some Member of the Government would yet rise to do so—what the Government expected to be the practical effect of the repeal of these laws, as regarded the maritime defence of the country. The hon. Member for Montrose had predicted that their repeal would increase the trade and navigation of this country. It might increase the navigation of other countries; but how adding to the competition was to add to the trade and navigation of this country, he was at a loss to understand. This might be, and was, a measure for the encouragement of Prussian seamen, and they knew it to be so; above all, it was a measure for the encouragement of the navy of the United States, as might have been learnt from the anxiety with which his Excellency the United States' Minister had attended under the gallery to the debates of that evening. He well enough knew what would be the effect of this measure. They were going to throw open to the United States their colonial trade, of which the United States had had some taste before. The House had to a certain extent opened the colonial trade in 1822; they had opened it further in 1843 and 1844. What had been the result? Why, that the lumber and provision trade of Great Britain and North America with the West Indian colonies had dwindled down almost to nothing, whilst the tonnage of the United States had been increased by 140,000 tons. He now came to the old rotten argument with respect to "the protected and unprotected trade." Returns had been laid on the table last year in view of the repeal of these laws. Now, how were these returns made up? Amongst the unprotected trades was the great and increasing trade of China. Imagine England requiring protection against the Chinese junks. That was a close trade against all foreign shipping. In the whole history of the navigation laws there was no monopoly to be found more complete than the Chinese trade. Under the same head of "unprotected" was placed the trade with Brazil, Peru, Chili, and Mexico, which had no ships at all. From a return of the sugar-laden ships coming from Brazil to Great Britain, it appeared that there were 159 British ships, and only eight foreign; and in the whole sugar trade with Brazil, with Porto Rico, and with Cuba, 407 of the ships employed were British, and the remaining 69 foreign. Yet they were told by the right hon. Gentleman that these were all "unprotected trades." Another of the great protection trades to which the right hon. Gentleman had alluded was the Russian; but he did not know how long it was since—he believed in the time of the Empress Catherine—that an English Russian company had been established, and permitted to trade under the protection of the Imperial Government, and yet it was called now one of the unprotected trades. But if ever there was one part of the United Kingdom more exposed than another to the effects of foul free trade, it was the British West Indies. By the emancipation of the slaves, the produce of the British West Indies had been reduced nearly one-half; and how, then, was the carrying trade to be increased, or otherwise than decreased? And yet a right hon. Gentleman laid (by command of Her Majesty) returns before the House, disingenuously attributing the decrease in the West India shipping trade to the operation of the navigation laws. But the House knew very well that the falling-off in the case of the British West Indian trade, which figured so largely in those returns, was not owing to the navigation laws, but to the laws which emancipated the slaves, and left them without a sufficient supply of labour, and to the free-trade laws which opened the colonial trade to the United States of America, and thus deprived the British shipping interest of its previous monopoly and protection; so that whilst the American vessels engaged in that branch of the carrying trade had increased by 141,000 tons, the British shipping similarly employed had fallen off to the amount of 60,000 tons. Nothing could be a better proof of the utter weakness of a Government which was not able to adduce any better reason for those great changes than such as these. Their great motive was that it was mainly a plan in obedience to the dominant free-trade theory. But there was one point upon which he desired information. The House ought to know what the Government expected would be the diminution in the cost of freights. The measure was intended to diminish the cost of freights. He (Lord George Bentinck) had seen in a newspaper, which was understood to be written by one of the Members of Her Majesty's Government (Mr. Wilson), and he supposed he might look upon it consequently as an official organ; he had read in the *Economist*, whose political principles and dogmas were adopted by Her Majesty's Government to be the truest possible exposition of the policy that ought to be adopted in that House:—he knew well, and was happy to be able to bear his testimony to the great ability of the hon. Gentleman the Member for Westbury, to whose talents he was ready to pay the meed of his admiration;—and that hon. Gentleman had stated in the *Economist*, that half-a-crown a ton was to be the saving that was to be derived by the consumers of this country by the repeal of the navigation laws; and he calculated, therefore, that 1,000,000*l*. sterling in freights would be annually saved to the consumers, and lost to the shipping trade. He asked, was the House prepared, before they saw a little more of the working of that free-trade principle which the hon. Member advocated, but which he did not think had proved itself so very triumphant—were they, he asked, prepared to consent to strike such a blow at the shipping interest as would diminish their gross earnings, which were stated to be 28,000,000*l.* sterling per annum, by 1,000,000*l.* a year? With regard to the last year, when freights ran so high, was it not Her Majesty's Ministers and the *Times* newspaper that raised the alarm "that all the shipping in the world would not be sufficient to bring over the corn required for this country?" And what, after all, was the fact? At the moment when Her Majesty's Ministers were reviving the dying alarm that there were not ships enough in all the world to bring the required food to England by the renewal of the suspension of the navigation laws, the West Indies were wanting increased conveyance for their great sugar crop; the owners of vessels were induced to desert the West India trade, and to go to New York and New Orleans for corn; and the practical effect was, that by the 20th of April, 1847, there were no fewer than 60 ships waiting at New York, unable to procure freights—34,000 tons of British shipping were at one time lying idle at New York waiting for grain to be brought to the seaboard. A still greater number of ships arrived in one week at St. Petersburgh, expecting to find cargoes of corn, which was not there for them. A false alarm had been raised—an undue charge for freights had been obtained—the country had been put to an unnecessary loss—the sugar colonies had been deprived of the freights they required, and greatly disorganised—while the usual course of the trade of the country had been disturbed by the measures which had been adopted, and the mischievous alarm which had been created. The Government had not shown that anybody was discontented except our North American colonies; and they having been deprived of their protection in this country for their flour and timber, turned round and said, "Having exposed us to this competition, you must allow us to send our commodities by the cheapest conveyance." When they should have at last deprived British shipping as well as British manufactures of protection in the Canadian trade, they would have left nothing to themselves but the cost of maintaining the Government of Canada, while they were inducing the Canadians to draw still closer the bonds of trade, commerce, familiar intercourse, and political attachment between themselves and the United States. They had left Canada nothing to gain from this country, and they had left the Canadians owing nothing to this country except the debt for the Rideau Canal, which, if they were to cast off the union, they would in all probability repudiate immediately. The right hon. Gentleman had said that the affections of the British West Indies were to be secured by granting them the favour they demanded of the repeal of the navigation laws. The right hon. Gentleman and he (Lord G. Bentinck), had been sitting in Committee together; and the right hon. Gentleman knew it to be perfectly true, that although some witnesses belonging to the West Indies had asked for the repeal of the navigation laws, yet, for one connected with that interest who had made that request, there were three at least who had said that the repeal would be of no value unless limited to the British West Indies. It was clear to him, that the repeal of the navigation laws would favour Cuba, Porto Rico, and Brazil more than the British West Indies. The build of the American ships was better calculated to hold the bags and boxes in which the sugar from those places was packed, than the hogsheads in which the British West Indian sugar was contained. So far as the British West Indies were concerned, the right hon. Gentleman, as he had long foreseen, intended to mock them with this worthless boon, so that he might be able to turn round upon them and say, "We gave you the repeal of the navigation laws." The right hon. Gentleman promised the repeal of these laws for a boon, knowing well that it could not be desired. With reference to the Mauritius, the right hon. Gentleman knew very well they had never asked for it; indeed the right hon. Gentleman must remember that in the Sugar and Coffee Planting Committee, when his Colleague (the Vice-President of the Board of Trade) was cross-examining Sir George Larpent, a noted free-trader, and asking him whether he thought that this repeal of the navigation laws would be of any advantage to the Mauritius, Sir George Larpent answered, "that the Mauritius had no ground of complaint on the score of the navigation laws." They had their sugar carried at 4*l.* per ton a distance of 12,000 miles; and no freights, either in Cuba, the Brazils, or elsewhere, could compete with that in cheapness. It was already shown by the existing state of things that no unfair monopoly had taken place. There was no section of the British interest indulged in a monopoly of the sugar carrying trade of the British West Indies; and so long as they saw between 400 and 500 British ships going to Cuba, Porto Rico, Rio Janeiro, Bahia, and Santa Cruz, importing sugar from thence, not only to Great Britain, but to various parts of Europe, any man of common sense would see that if the freights of the British West Indies, of Jamaica, Barbadoes, British Guiana, &c., were raised beyond their proper level, these ships, instead of seeking freight abroad, would at once go to our own colonies, and seek freight in them. He had seen in a State paper of the United States, that in the course of the year 1846–47 there had been an increase of nearly 11 per cent in the registered shipping of the United States; and it was there stated, that if it continued to increase till 1857 in the same ratio, the tonnage of the United States would in that year be very nearly equal to the tonnage of Great Britain. And no small portion of this increase had arisen from the trade between the British West Indies and our North American colonies having been transferred to the United States, and now they wanted to make it worse still. In 1846, when they repealed the differential duties on foreign goods, they trusted to the generosity of Prussia in particular, and of other countries at large, to follow their example. After flinging their money away without making any bargain to get back anything for it, they were now about to give the United States the trade of their colonies. The United States already supplied Cuba entirely with timber and provisions. Seeing all this, they were now about to open to them the sugar-carrying trade between Cuba and this country, having already opened the market for the slave-grown sugar of that island. He, for one, should be disposed to reject this resolution without permitting it to be laid on the table. As for those details admitting the Lascars, he had great doubts whether any of his friends around him would think of objecting to their admission, or to their placing the colonies, so far as they were concerned, on an equal footing with this country; but a fundamental abrogation of the navigation laws was wholly unnecessary for so trivial an amendment. He desired to see them united in one common interest with this country. He was by no means sure that it was necessary to bring in a Bill to repeal the navigation laws to admit these Lascars. An Order in Council would suffice to decide that question. He did not think this measure called for or required by the interests of the country, and he, for one, should give it his strenous opposition. He would not trouble the House any longer than simply to express his great joy at having heard a certain expression fall from the right hon. Gentleman the President of the Board of Trade. He alluded to the expression in which he quoted the advice of Lord Harris with respect to the colonies. He hoped Her Majesty's Government would in all things attend to the advice of Lord Harris, as much as they seem disposed to attend to his advice with respect to the navigation laws, and then the British West India colonies would have the protection they deserved, in matters more important to them than the navigation laws, and would be saved from the serious evils and ruin with which they were now threatened.

Mr. RICARDO could not reconcile the statement made by the noble Lord of the loss of the American vessels on their way to this country, with the great timidity which he had expressed at the conclusion of his speech, respecting the rivalry which it was proposed to open between the ships of this country and those of the United States. The noble Lord was, he believed, wrong in both respects—both as to the loss of American vessels, and the advantages which the United States would have over this country in the event of opening the trade. The fact would be found to be that at the period to which the noble Lord referred, in consequence of the great demand for grain in this country, there was a great pressure for ships in the United States, and vessels were taken up there which were not adapted for that trade; the consequence was that in many cases the cargoes shifted, and they were obliged to sacrifice them, or, failing this, the ships were lost. He did not think we should be the sufferers by opening the trade between the two countries, because, although we might shut out American ships from our own colonies and Africa, yet, on the other hand, they shut us out from Europe, and the trade between Europe and the United States was better than that with our colonies in Africa. Our ships could not go at present to the United States with an assorted cargo; and it was a singular circumstance, that although American vessels were the dearest built and the dearest manned ships in the world, they had two-thirds of the whole trade between this country and the United

States; while the Russians, with the cheapest ships in the world, were obliged to give us up the whole trade between their country and ours. But the noble Lord admitted the existence of one evil, and his approbation of its removal. He was willing that the Lascars should be admitted to rank as British seamen. He did not believe that any one would deny this. It was a great evil that those Lascars were not admitted to work British ships. As an example he begged to state that it appeared from a circular issued by an eminent house in India that had failed, although neither the principals nor any of their clerks had ever speculated in any of the objects of speculation abroad during the last few years, that their failure had been mainly owing to their inability to realise any portion of the value of their trading stock at Bombay, in consequence of the failure of tonnage, there being no vessels to be had. And that was the state of things: whilst English operatives were starving at home for want of employment, which the masters were unable to give for want of raw material, the raw material was actually lying in foreign ports, and no vessels could be had, in consequence of the navigation laws, to bring it home. And those very Lascars that had fought by the side of British soldiers at Sobraon, Ferozeshah, aud Aliwal, and who were manning British vessels at Singapore, Borneo, Callao, and Canton, were prohibited from working those vessels to this country. But he did not wish to be understood to agree with the noble Lord in the motive for which he demanded the admission of these men to the privileges of their fellow-subjects. He agreed with him in the injustice of their expulsion from British ships; but he said, that if instead of Indian ships, there had been ships built of American oak, owned by American citizens, manned by American sailors—if they had been Spaniards, or Frenchmen, or Swedes, the tyranny and injustice to the British merchant and manufacturers would have been as great and as inexcusable. Take the case of the Australian colonies. There were in this country hundreds of people unemployed, and in Australia thousands of acres of land uncultivated, and numbers of mines unworked. There were ships ready to take the emigrants to our colonies, but they were not British ships, and the navigation laws would not allow them to go. It was stated by a witness before the Committee for which he moved, that the fares to Australia between decks by emigrant vessels from Bremen were 12*l.* a head, while the charge for the same voyage for emigrants in British ships varied from 20*l.* to 25*l.* a head. One of the witnesses was asked whether there was any difference in the provisioning and comforts on board one vessel and the other; and he replied that if there were any difference of comfort at all, it was in favour of the Bremen vessel. The Montreal Board of Health had published a statement, dated the 12th of August, 1847, respecting the frightful amount of mortality on board British ships in which British emigrants were conveyed to that colony. This report stated that—

> "The *Laren*, reported this morning from Sligo, sailed with 440 passengers, of whom 108 died on the passage, and 150 were sick. The *Virginius* sailed with 496—158 died on the passage, 186 were sick, and the remainder landed feeble and tottering—the captain, mates, and crew were all sick. The black-hole at Calcutta was a mercy compared to the holds of these vessels. Yet simultaneously, as if in reproof of those on whom the blame of all this wretchedness must fall, foreigners, Germans from Hamburgh and Bremen, are daily arriving, all healthy, robust, and cheerful."

It would doubtless occur to every one to ask why, if the Bremen ships were so much cheaper and better, more of them were not employed? The reason was obvious. The witness (Mr. Swaine) was asked before the Navigation Committee—

> "Do Bremen vessels obtain return cargoes from Australia?—No, they obtain no cargoes from Australia; they generally go in ballast either to Batavia or Singapore, for the purpose of seeking a cargo there."

The charge by Hamburgh and Bremen vessels to America was rather higher than by English vessels; but then the English shipowner had to encounter the Americans in competition. In the Australian trade he had a monopoly, and charged what he liked. There were many articles of small bulk, such as ivory, of which whole cargoes seldom came to this country. They were looked upon as filling up for other cargoes, and to confine the trade to them was, in fact, to annihilate the trade altogether. If these articles did not come as portions of more bulky cargoes they did not come at all. The mischief done by the navigation laws, was, in fact, more real than it was apparent. There was a beaten track laid out by them, which it was impossible to turn away from, on one side or the other, without finding that they were shut in by the restrictions of the navigation laws. There was, for instance, the Java trade. The English merchant sent out to Java British manufactured goods, but he did so with the expectation of being able to get home sugar in return. The sugar came down from the interior at stated seasons; but though there might be hundreds of ships ready to receive it, none of these ships might be British ships; and the consequence was that the English merchant was unable to obtain the most profitable return for his goods. The case was the same with regard to copper ore. Unless the copper ore were imported direct to this country for home consumption, it could not be admitted at all; and many hon. Members had, no doubt, heard of a case that occurred some time since, when a merchant was unable to get a cargo of copper ore that had been sent to him from Chili, and that had put into Havre, and he had been told that the only way that he could get the ore into this country was to send it back to Chili, and then to re-import it here from that country. They had it proved how far the merchant was trammelled—how far the manufacturer was impeded in his manufactures—and how far the country generally had been shut out from the commerce of the world by these laws; and with such facts before them, he had a right to say that this was an unjustifiable sacrifice in favour of a particular interest, unless, indeed, it could be shown that some great national good resulted from it. What was the remuneration to be obtained for this great sacrifice? That which was proposed by the title of the Bill was an Act for encouraging a commercial marine, with a view to the better manning of the Royal Navy. It was true that 200 years had passed since this encouragement had been given, and which ought to have afforded a commercial marine something like a model for other nations. Surely, after 200 years' encouragement in every sea where the British flag floated, and in every port where no other ship could obtain a freight until the British ship was freighted—surely, your captains must be the best, and your sailors must be the best conducted. But was this the case? The noble Lord opposite (Lord G. Bentinck) said it was the case; and the hon. Member for Sunderland, by those emphatic expressions, said that he thought so also. Now, there was a report which had been laid on the table, and which had been alluded to by his right hon. Friend (Mr. Labouchere), and which the hon. Member for Sunderland had read through. [Mr. HUDSON: No, no!] Well, be it so, but this was not a report by a packed Committee; it was not a report concocted with a particular view, but it was a collection of reports from official gentlemen appointed by successive Administrations, and forming a body of no particular political bias, and having no object in view except to give correct information to the Foreign Office. And yet if they had all met in one room, and consulted together as to how each should frame his report, they could not have been more unanimous in showing how the two hundred years of encouragement of the commercial marine of this country had conducted them to a most successful state of inferiority. The noble Lord had alluded, in very strong terms indeed, to these reports from the British Consuls abroad; but he must excuse him (Mr. Ricardo) for saying that he would rather trust on such a question to their judgment and experience, than to the noble Lord, acting under the determination of never yielding one particle of his principles. But what was the cause of this inferiority in their commercial marine? They had the greatest facilities in disposing of their cargoes; they had facilities in procuring iron and timber for the building of their ships, for he would maintain that their timber was, after all, the cheapest in the world. They also boasted of having the best sailors and the most intelligent captains. They were the same men as manned the Royal Navy; and how was it that they were not equally good in the commercial marine as in the Royal Navy? He would tell them. Because, though they had the advantage in all these respects, their shipowners were the very worst of their class. He did not want to make a sweeping charge against all. He knew that there were exceptions; but he would say that the good men were the exception, and the others formed the rule. If they saw a well-appointed ship they might rest satisfied that her owner did not care twopence about their navigation laws—that he felt that he was an Englishman, and as such need not be afraid of any other nation under the sun, be they Russian or Dane, Swede or Norwegian. But if they saw a ship with a drunken captain, and a disorderly crew, they might be assured that the owner was one who trusted to the navigation laws, and was all for the importance of monopoly—that he was one ever ready to cry out about his vested interests being attacked. Who ever heard of shipowners objecting to the duty on cattle, or timber, or corn, or sugar being lowered? They did not do so, because every such reduction was a benefit to themselves; but the moment they were told that the cheap sugar or corn should be carried cheaply, they started up in opposition, and then the country heard all about the "wooden walls of Old England," and all those other phrases that took the place of argument on their side. While taking advantage of the fact that there were some well-paid crews, and steady captains, and efficiently managed ships to be found, they endeavoured to make it appear that these were the rule instead of being the exceptions. He would just refer to some of the statements made by the British Consuls as to the treatment which the commercial seamen of this country experienced. Mr. Clark, British Consul at Cuba, in a letter dated the 11th of September, 1848, stated that—

> "When sick, the seamen are too often left to the care of the cook, after the administering of a dose of medicine, which in many instances is the wrong one. I have seen British seamen dead or dying from yellow fever, over and over again in the bows of British merchantmen, when, if the sufferers had been sent on shore at the commencement of the disease, at least half the deaths from that terrible scourge might have been avoided."

After giving numerous examples, Mr. Clark went on to say—

> "If I chose to make extended inquiry, I could fill a small volume with the harrowing details which attend, and ever will attend, the system of non-contract, or even medical attendance on board ship; and I solemnly declare, with the deepest conviction of the truth of my assertion, that the owners of vessels trading to Santiago de Cuba might save one half, if not two-thirds, of the number of seamen who die of yellow fever on board ship, if they would only instruct the masters in their employ to contract in every case for medical attendance on shore, and order them, on pain of dismissal, to send to hospital any man complaining of headach, or pain in the back, no matter at what hour the seaman should make his complaint."

Mr. Hesketh, at Rio, in a letter dated November 3, 1843, stated that—

> "Many points of injustice and cruelties are practised on the crews by young shipmasters, whose livelihood is not dependent on their avocation, and who too often are guilty of such actions with impunity; which treatment of the crew, however, tends to destroy discipline equally as much as want of sobriety on the part of those in command."

Mr. Cowper, of Pernambuco, in a letter dated October 2, 1843, said—

> "A complaint was made to me by the crew of starvation and ill-usage, which, in my opinion, was very clearly established; and the men added, that a boy was on board who had been cruelly treated by the master."

Mr. Moore, Consul of Ancona, in a letter dated August 9, 1843, stated—

> "The seamen are so unaccustomed to kind treatment that they never look for it. In all disputes on shore, or on board, wherein crews of different British vessels are concerned, independent of the inhabitants, the men almost invariably side as one body against the masters, and *vice versa.*"

If, instead of "ships" they were to read "factories," and instead of "freights" they were to read "manufactories," and instead of "sailors," if they read "workmen," what a torrent of indignation would be poured out at such statements by hon. Gentlemen opposite! In support of monopoly, however, the case was altered; and without weighing the reasons that had been assigned by his right hon. Friend, in bringing forward his resolutions, they wished to see the commercial marine of the country continued under the protection of the navigation laws, even though every one of their Consuls abroad had borne testimony to the ruinous effects which these laws had produced. Instead of allowing to the reports of the Consuls the weight to which they were entitled, the noble Lord had described them as garbled calumnies and libels. But he would tell the hon. Gentlemen opposite that if they meant to depend upon the commercial marine for manning the Royal Navy, they would have to manage that marine in a different manner from the present, or otherwise they would find, when too late, that they were depending on a broken reed. He trusted that they would allow the resolutions to pass, and that they would not hastily condemn the propositions which his right hon. Friend had laid before them, because, although these laws may have been hallowed by time, they ought not on that account to refrain from examining into their effect. They ought not to dread investigation, because, although they might be terrified like the frogs in the fable at the splash which the log had made, they would find, when they came to examine it, that it was but a log after all.

MR. HENLEY said, that if he had felt some surprise at the statement with which the right hon. Gentleman the President of the Board of Trade had favoured the House, resting his case, as he appeared to have done, first upon the accidental circumstance of the revolution in France having given no room for certain cargoes of cotton that were carried there, and next, upon the distress in the West Indies, which the right hon. Gentleman himself mainly contributed to bring about—if he felt some surprise that the right hon. Gentleman, a Minister of the Crown, did not even condescend to touch upon that not unimportant part of this great subject, namely, the effect which the proposed change might have upon the creation of seamen for manning the British Navy—if the right hon. Gentleman considered that to be so insignificant a part of the subject as to be scarcely worth alluding to, he was certainly still more surprised at the manner in which the parent of this subject (Mr. Ricardo) had treated it. That hon. Gentleman had certainly made a most extraordinary speech; he stated that it was quite true the evils of the present law were more real than apparent. He did not rightly understand that expression unless it were to be taken in the same sense as the Latin maxim, *De non apparentibus et non existentibus eadem est ratio*. The hon. Gentleman had used language and abuse of every sort and kind against the British shipowner and the working seamen; and upon what foundation did he rest his abuse? Why, upon a blue book in which the most contradictory statements were put forward. The Consul General of St. Petersburg gave a statement completely at variance with the statements of all those gentlemen bearing the title of colonels in the Army, who got those consular appointments, and who were as fit to judge of commercial affairs as they were to sit as judges in Westminster Hall. This happened not to be a matter of opinion: the country had the best of all possible means for testing the value which practical men put upon these representations. What was the insurance upon British ships? When a merchant went to Lloyd's, he found that he could insure his goods in one of these English ships, with their licentious crews, at a less cost than he could if he shipped them in one of the hon. Member's pet model vessels. The hon. Member had quoted from the blue book to show that emigrants could be carried to Australia, from Bremen, at 12*l.* per head, whilst from this country the cost was from 20*l.* to 25*l.* per head. The story bore evidence of untruth upon its face. The passage from this country to Bremen was not more than 2*l.* or 3*l.*; and if the fare to Australia from Bremen was as little as was stated, emigrants would go to Bremen, instead of paying 25*l.* for their passage to the colony from this country. Then the hon. Member lugged in a case of disease occurring on board an emigrant ship at a time when the people were flying, smitten with fever, from the famine in Ireland, and wished the House to believe that that was a fair sample of what occurred in British emigrant vessels generally. He was not displeased with the favour about to be conferred on Lascars, for he was of opinion that all subjects of Her Majesty ought to enjoy equal privileges; but what effect these changes would produce upon the future manning of the Navy remained to be seen. It appeared that under the new regulations a ship might be manned by five Swedes and fifteen Lascars, without having a single Englishman on board of her. The hon. and gallant Admiral opposite might have an opportunity of forming an opinion as to the comparative advantages of having Lascars or boys bred up to the sea in merchant vessels for the purpose of manning the Navy. Those who were old enough to remember the last war knew that we had 100,000 men in the Navy, most of whom were obtained from merchant vesels, and they beat everything that came before them. And he doubted not that that class of men would do the same thing again, if Her Majesty required their services, in spite of the injurious terms in which the hon. Member had spoken of them.

Mr. MITCHELL said, he could not agree with what had been stated by his hon. Friend as to the 12*l.* and 25*l.* with respect to the Bremen ships carrying out emigrants to Australia. There was a great difference, no doubt, as between the charges made by vessels from Bremen and that made by English ships. Last year it had been said by Mr. George Frederick Young, that foreign ships were insured upon better terms than English ships. He had denied that statement, because he was convinced that the hulls of English ships were superior to the hulls of foreign ships; and he was convinced that so far as regarded the hulls of the ships they would be insured at a cheaper rate. But the most eminent underwriters of London had given evidence unanimously to the effect that goods shipped on board English vessels could not be insured on the same terms as goods shipped on board foreign vessels. If the vessels went to the bottom, the insurers were liable; but if any damage occurred to the cargo during the voyage, that fell partly upon the owner, partly upon the underwriter, and, therefore, the first-class foreign vessels were insured at a lower rate; and why? He admitted the bluff courage of the English captains. He admitted their superiority in a storm; but with the exception of the captains of the China and the East India ships, very few of the English captains were properly educated. They were not commercial men—they had been raised from the mast. No doubt they had considerable knowledge of seamanship, but they had little knowledge of commerce and business, and they could not set the example to their crew which they ought to set. The captains of foreign ships were obliged to undergo a rigorous examination. They were examined in navigation, seamanship, commercial accounts, and in all the branches of a general education; and unless they could pass such an examination they could not be appointed to the command of a ship. It was impossible to compare an English captain with the captain of a foreign ship without perceiving the superiority, so far as education went, of the foreign captain. The noble Lord had said that the repeal of the navigation laws would do away with the school for British seamen. He had said that if we did away with the navigation laws—if we did not insist upon British ships taking a certain number of apprentices, we should be destroying the nursery of our Navy; but he wanted to know what in time of peace became of this surplusage of seamen, who could not be absorbed into the Navy? Why, they went into the navy of the United States. Our navigation laws were, in fact, supplying the navy of the United States. We shall never get them again. That was no protection. If he believed that the repeal of the navigation laws would injure the interests of the English shipowners, he would not consent to their repeal; but he believed that the English navigation laws were rather an encouragement to American than to English shipping.

Captain HARRIS hoped that the Committee would defer their next sitting until they had before them the report of the Lords' Committee, so that they might not prejudge this question, or come to a conclusion upon that part of the question which he considered of the greatest importance—the manning of the Navy—upon false data. Much misconception prevailed as to the number of seamen in the Royal Navy who had been brought up in the mercantile marine; and he must say, that the Committee which had sat on the subject of the navigation laws had not taken the proper method to get a true knowledge of the facts. The question had often been asked, but never answered, why only one officer of Her Majesty's Navy had been examined on that Committee, and why, after giving his evidence, that officer was not cross-examined? He could not reconcile certain statements in the speeches of the hon. Member opposite (Mr. Ricardo) with what he found laid down in a book before him which bore the hon. Member's name. When the hon. Gentleman, on a former occasion, introduced this subject, he stated in his speech with regard to the manning of the Navy, that the commercial marine was the great nucleus where seamen were formed for Her Majesty's service; but in the book to which he had referred, the hon. Gentleman stated that the mercantile service was no nursery for the Royal Navy. He would proceed to analyse Sir James Stirling's evidence: he had the honour of that gallant officer's acquaintance, and entertained a great respect for him; but he believed that he had, like many others, been run away with by his hobby, and had not stopped to examine the correctnes of his statements. Sir J. Stirling said that not above one-tenth of the seamen in the Navy had been brought up in the merchant service. Now, in consequence of a notice which he had placed on the book of the House, the Admiralty appointed a Committee of Captains in the Navy to inquire into the supply of seamen from the merchant service. That Committee reported that two-fifths of the petty officers, able and ordinary seamen, entered annually on an average of eight years from the merchant service. But this was not all; of the most experienced petty officers and seamen now in the Navy, nearly one-half had first gone to sea in the merchant service, because twenty years ago the vote of seamen was low, one half of what it is now, and so it might be again; and in those times they must depend chiefly on the commercial marine for rearing the supply for a future period in the Navy. He would quote some documents from the Office of the Registry of Seamen, to prove this last position. These were obtained from a category furnished by the captain of each ship on completing her crew:—

	First went to Sea in the Navy.			First went to Sea in Merchant Service.		
	Petty Officers.	Able Seamen.	Ordinary Seamen.	Petty Officers.	Able Seamen.	Ordinary Seamen.
H.M.S. Howe.........	24	59	91	23	87	132
H.M.S. Mæander ...	10	45	11	14	52	9
H.M.S. Amphitrite..	11	37	14	13	34	11
H.M.S. Mutine	3	5	4	13	11	2

Showing a difference of one-eighth in favour of those who first went to sea in a merchant ship. The *Howe* was now commanded by Sir J. Stirling; the last three were selected as being commissioned within the last year, and considered to have crack crews. Now, in the face of this, will it be said that the commercial marine is not a nursery for the Navy? Sir James Stirling stated that one-half of the men who enter from the merchant service desert from their first ship. He (Captain Harris) would disprove that from his own experience. In 1839, when appointed to command Her Majesty's ship *Racehorse*, of 18 guns, he found her 15 men short of complement; and being ordered to take out 50 supernumeraries for the lakes of Canada, he, to make room in a small ship, did not fill up the vacancies, as he had ascertained he could complete his crew at Quebec. At the latter place he found a hundred men knocking about on shore; he entered fifteen prime seamen, of whom only one deserted during the two years he was on the West India station. On that station a hundred men are supplied every year from the merchant service to complete the crews of the men-of-war. The hon. and gallant Member then proceeded to controvert the evidence of Sir James Stirling respecting the registration of seamen, the operation of the institution relating to sea apprentices, the condition of seamen in merchant ships, and his plan for constituting the Navy in such a manner in time of peace as to render it entirely independent of the merchant service in the event of war. According to this plan a large peace establishment was necessary to effect this. Sir James Stirling proposed that the annual vote should be for a force entirely composed of able seamen and men trained to arms, which, by the addition of landsmen and marines, could be expanded to the war complement (the maximum of which was 150,000 men in the last war), without having occasion to go to the merchant service for a single seaman even in the event of a war. Now, he would ask the Lords of the Admiralty opposite whether such a plan (putting out of the question the vast increase to the yearly estimates) could be entertained for a moment. Sir James founded his plan on the assumption that the introduction of steam navigation has rendered a less number of able seamen necessary in the Navy than formerly, forgetting that every class of ship is built on an increased scale, and requires more men to handle her, and that the steam navy is at present only an auxiliary force. But before the Admiralty consented to the prospective decomposition of the ships' crews, let them bring to mind that it was the superior seamanship as well as bravery of our seamen which enabled them to maintain the supremacy of the sea in the last war. He entreated the House, before they came to a vote on the resolution which contemplated an alteration of the system of registration, to ascertain the views of naval officers who had served in the war, and were well acquainted with the subject. He entreated the House, above all, to wait for the report of the House of Lords' Committee on the Navigation Laws. He had no reason to know what evidence had been given before that Committee, but naval officers had been examined before it; and if they were competent he had no doubt what their evidence would be. He wished to ask whether the right hon. Gentleman the President of the Board of Trade would postpone the further consideration of the resolution till after the evidence taken before the Committee of the House of Lords had been laid on the table?

Mr. LABOUCHERE certainly could not accede to the proposal of the hon. and gallant Member. The House had appointed a Committee of its own last year, which had fully investigated the subject. He had already intimated his intention to propose a postponement of the discussion to Monday next, which would afford full time for considering the resolution.

Mr. HUDSON begged to ask the right hon. Gentleman whether, considering the importance of the subject, he would not agree to postpone the further consideration of the resolutions for a fortnight? The House might meanwhile proceed with the Health of Towns Bill. Only two petitions had been presented in favour of the repeal of the navigation laws. His authority for that statement was the Report on Petitions, from which it appeared that two petitions had been presented for repeal, and seventy against repeal, one of the latter having 28,860 signatures. An hon. Gentleman opposite had read a letter from Newcastle, in which the suspension of payments by mercantile houses there was attributed to their not being able to get their produce to this country; but investigation would show that the excuse was one of a class, apt under such circumstances to be placed before creditors. Then the hon. Gentleman had indulged in some abuse of the mercantile navy; but the navy of England lived in the affections of the people, and any abuse of them would rather injure the cause of those who advocated the repeal of the navigation laws. The hon. Member for Bridport had contradicted the hon. Member for Oxfordshire, and been cheered loudly: he said British ships were insured at Lloyd's for less than foreign ships; but he met his own argument, when it appeared that the British ship was a better ship, and that it would stand out better in a gale, for there were more pluck and courage in the seamen. It could well be understood why some mercantile men should give such evidence as appeared in the blue book, for they were interested in foreign shipping. He could not understand why 10 per cent should be retained as a protecting duty on cotton, when it was proposed to remove all protection from shipping. The people were almost sick of the anticipations which had been held out to them. Two years ago they were told they should have no more distress, and their manufactures world be bought all over the world. Instead of sending their manufactures to Russia and elsewhere, they were sending the raw cotton. He was sure that the measure would bring such distress on the shipbuilders of this country as the right hon. Gentleman would be the first to deplore; and he thought its operation ought to be deferred for three years, to allow time for them to prepare for the change. He regretted that the right hon. Gentleman had passed a sweeping censure on the mercantile navy of this country.

Mr. LABOUCHERE had no wish to press forward the Bill in any improper manner; but the present was only a preliminary proceeding on which the Bill was to be founded. He did not think it unreasonable to ask the House to consider the question that day week, as there would besides arise many other opportunities for discussion after the Bill was introduced. Being anxious that the Bill should pass this Session, he did not think he should be justified in postponing the next consideration of the subject beyond the day he had named. The hon. Gentleman stated, that he had passed a sweeping censure on the mercantile marine of this country. He trusted that the House would bear him out when he said that he had done no such thing. What he said was, that with respect to the qualifications of seamanship, with respect to courage and ability in handling a ship, he believed that the British seaman stood as high as ever, and had not his equal in the world; but he proceeded to say, what he felt it to be his duty to state, that it was indisputably proved, from the reports received from Consuls in every part of the world, that the character of the British shipmaster was in many trades fast deteriorating. It would not be acting like a true friend to the commercial navy not to call attention to a circumstance so full of peril to it; and he believed he showed himself a better friend to the mercantile navy by speaking the truth on this subject, by calling the attention of the House to it, and by inviting the shipping interest to produce a better state of things, than by shutting his eyes to an apparent evil. With respect to the China trade, he would mention that the character of the commanders in our merchant service was as high as ever.

House resumed. Chairman reported progress, and asked leave to sit again.

On the question that the House will on Monday next resolve itself into the said Committee,

Captain HARRIS moved, as an Amendment, that the Committee be postponed to the 29th instant. After some conversation, the House divided on the question that the words "Monday next" stand part of the question:—Ayes 62; Noes 28: Majority 34.

List of the Ayes.

Adair, H. E.
Bellew, R. M.
Bernal, R.
Bowring, Dr.
Brotherton, J.
Carter, J. B.
Clements, hon. C. S.
D'Eyncourt, rt. hn. C.T.
Divett, E.
Duncan, G.
Dundas, Adm.
Dundas, Sir D.
Elliot, hon. J. E.
Ferguson, Sir R. A.
Fordyce, A. D.
Fortescue, C.
Greene, J.
Grey, R. W.
Hallyburton, Lord J. F.
Hawes, B.
Hay, Lord J.
Heywood, J.
Hobhouse, rt. hon. Sir J.
Howard, P. H.
Labouchere, rt. hon. H.
M'Cullagh, W.
Maitland, T.
Melgund, Visct.
Morpeth, Visct.
Morris, D.
O'Connell, M. J.
Ogle, S. C. H.
Parker, J.
Pearson, C.
Pilkington, J.
Pinney, W.
Power, Dr.
Raphael, A.
Rawdon, Col.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Romilly, J.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Scholefield, W.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Somerville, rt. hn. Sir W.
Stanton, W. H.
Sullivan, M.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Towneley, C.
Ward, H. G.
Westhead, J. P.
Wilson, M.
Wyld, J.
Wyvill, M.

TELLERS.
Tufnell, H.
Craig, W. G.

List of the Noes.

Bennet, P.
Bentinck, Lord G.
Buller, Sir J. Y.
Burghley, Lord
Christy, S.
Clive, H. B.
Cobbold, J. C.
Duncuft, J.
Forbes, W.
Fuller, A. E.
Galway, Visct.
Granby, Marq. of
Henley, J. W.
Hildyard, T. B. T.
Hood, Sir A.
Hudson, G.
Ingestre, Visct.
Jolliffe, Sir W. G. H.
Mulgrave, Earl of
Palmer, R.
Renton, J. C.
Robinson, G. R.
Sibthorp, Col.
Spooner, R.
Thompson, Ald.
Thornhill, G.
Tyrell, Sir J. T.
Wawn, J. T.

TELLERS.
Harris, hon. Capt.
Miles, W.

Question again proposed. Motion made that the House do adjourn. The House divided on the question that the House do now adjourn:—Ayes 26; Noes 63: Majority 37.

Question again proposed, that the House will on Monday resolve itself into the said Committee.

Debate adjourned till Thursday next.

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, May 16, 1848.

MINUTES.] *Took the Oaths.*—Several Lords.

PUBLIC BILLS. 2^a Insolvent Debtors (India); Poor Houses (Ireland); Maxwell's Restitution.

PETITIONS PRESENTED. From the various Poor Law Officers in the County of Kent, that Provision may be made in the Poor Law Amendment Act, for the Superannuation of all Meritorious Officers who may become Permanently Disabled.—From the Presbytery of Lorn and Ashby-cum-Fenby, against the Jewish Disabilities Bill.—From the same Place, and Others, for the Prevention of Sunday Travelling on Railways, and against the Post Office Delivery of Letters on that Day.—By the Earl of Eglintoun, from the Parochial Board of the Barony Parish of Glasgow, against Registering Births, &c. (Scotland) Bill.—From Parochial Schoolmasters of Deer, Turriff, and Dunkeld, complaining of the Inadequacy of their Remuneration.—From the Inhabitants of Rosneath, Kirkmichael, and other Places, for Facilitating the Attainment of Sites for Churches.—By the Duke of Cleveland, from a Congregation of Independents of the Town of Hartlepool, against the sale of Intoxicating Liquors on Sundays.—From the City of Aberdeen, for the Enactment of Sanitary Measures.—By Lord Beaumont, from several Places in Wales, in favour of the Jews Disabilities Bill; and also from the Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity; also from the Woor and Muxton Female Benefit Society, that the Provisions of the Benefit Societies Act may be extended to them.—From the Members of several Lodges of the Nottingham Order of Odd Fellows, for the Insertion of a Clause in the Provident Associations Fraud Prevention Bill, by which their Surplus Capital may be Invested in the Savings' Banks.

SPAIN.

The MARQUESS of LONDONDERRY rose to move—

> "That there be laid before this House a return of all the Spanish Refugees who have been Pensioners of the British Government since the death of Ferdinand VII., in 1833, when all could have returned; specifying whether subsequently to that period any fresh names have been added, and who are the present recipients, with the amount allowed to each."

The noble Marquess observed, that he should like also to inquire "whether Her Majesty's Government were now united in a cordial approbation of Mr. Bulwer's recent conduct, without any reflections of indiscretion on his part in the orders he received?" He must be allowed to say he did not agree with the noble and learned Lord (Lord Brougham) that any further return to the subject of this inquiry might do mischief between the countries: so far from this, he thought it would show the Spanish Government that there was a strong feeling in this country on the subject of this extraordinary correspondence, and against the uncalled-for and injudicious intervention in the affairs of Spain which had been assumed by the noble Lord the Secretary of State for Foreign Affairs; and he thought a full inquiry into all the circumstances should take place. This country had no right to interfere in the internal affairs of any State that was disposed to maintain friendly and amicable relations with us. The correspondence on the table showed that our Minister at Madrid had acted in a most extraordinary manner, and had not only given advice to the Queen Mother to pursue a particular line of policy, and to use her influence to recall a liberal party to the Ministry, hostile to the actual Government, but had harboured in the Embassy, and encouraged, the partisans of the Progressista party. What would be thought of the conduct of a Spanish Minister in this country who should presume to give advice to the Mother of our Queen to try to direct or influence political affairs in England? The consequence of the intervention of our Secretary of State in all the policy of Spain had been most lamentable. Since those unwarrantable instructions had been sent out, an insurrection had occurred in Madrid; and he asked the noble Lord at the head of Foreign Affairs, whether he could conscientiously declare that this correspondence had had no share in the production of that lamentable occurrence? The whole course pursued towards Spain was deeply to be deplored, although from the complete approbation signified by Lord Palmerston to Mr. Bulwer in regard to his conduct, the noble Lord alone must be held responsible for all that had occurred, and that might be the result hereafter. On another subject, he would now ask for some information—he wished to know why this Government, whilst the Spanish bondholders in this country could get no justice from Spain, should continue paying large pensions to Spanish refugees, who, he believed, received a very large sum annually. Were these pensions granted by the Foreign Office, or by whom? Where was the necessity of continuing them? He wished the relations that existed between Spain and this country to be on an amicable footing; but to continue these pensions was most extravagant and unnecessary. He could not refrain now from adverting to another subject that had been alluded to in the former debate: he meant the honour of the Red Riband which had been conferred upon Mr. Bulwer. He supposed this had been conferred for past, not for recent, services, as it did not appear to him that his late services were very distinguished, whatever people might think of his former career. In his own opinion, however, he did not think Mr. Bulwer had made any great figure as a diplomatist in the Spanish Marriages, when contrasted with M. Bresson. With regard to new decorations, he must refer to the change recently made in the Order of the Bath, which had hitherto been highly appreciated by military and naval officers, from its being considered to be a reward for distinguished military and naval services. There was no question that it was Her Majesty's undoubted right to confer this honour upon any one; but the decoration had been lately given to persons—very meritorious individuals, no doubt, but—of whose services the country knew nothing. [The noble Marquess read some of the names, published in the *Gazette* of April 28, of persons upon whom the civil division of the Order had been conferred.] No doubt it would be galling to the feelings of both Army and Navy to behold commissaries, chiefs of police, railway contractors, and Ministers at small Courts, having their breasts decorated with the Bath, Star, and ribands worn by the oldest and most approved officers, who had spent all their best years and spent their blood in the service. He should now move for the returns he had specified, feeling that the Spanish Government conceived that these persons were kept in British pay for the purpose of carrying on intrigues against the Government. But he would not say more than he had said on the subject of the correspondence, although he should be glad to learn whether the Government were at last united in their approbation of the conduct of Mr. Bulwer?

The Marquess of LANSDOWNE said, that the noble Marquess had spoken of the extraordinary increase in these pensions, and had asked the reasons of it. Had the noble Marquess required an explanation of the reasons for the extraordinary decrease which had taken place, he (the Marquess of Lansdowne) might have had more difficulty in answering, for the fact was that, instead of there having been an increase in the amount of the pensions, or the number of the recipients, both the amount and the number had greatly diminished. The noble Marquess was also under a great mistake in supposing that these pensions were granted by, or were paid through, the Foreign Office. For a great many years past the pensions had, and as he believed, at the suggestion originally of the noble Duke before him (the Duke of Wellington), been under the control and management of the Horse Guards, where they were paid. There was no doubt that they were distributed with perfect fairness and impartiality He (the Marquess of Lansdowne) had obtained from the Horse Guards some information on the subject, by which it appeared that in the first instance the amount of these pensions had been about 11,000*l.* a year; that a great many years ago—about 1829, he believed—the amount had risen to 18,040*l.*; but that since that period, instead of the extraordinary increase which had awakened the constitutional jealousy of the noble Marquess, there had been an actual decrease in the number of pensioners and the amount of pension—that the latter had actually decreased from 18,040*l.* to 1,777*l.* The parties among whom this sum was divided were fifty-six in number. With respect to the other point to which the noble Marquess had alluded—the recent transactions in Spain—he (the Marquess of Lansdowne) had nothing to add to what he had stated on a former occasion when he had announced that Her Majesty's Government did not intend to take any further steps. There had been since that time no variation in the affairs of Spain as regarded her relations with this country. Under these circumstances, he had no hesitation in telling the noble Marquess that Her Majesty's Government were not prepared to concur—to use the language of the noble Marquess—in "any reflections of indiscretion" on the conduct of Mr. Bulwer. He submitted to the House that the feeling should not be indulged upon all occasions of making observations upon indiscretion. There was no saying how far it might extend; and it might as often affect the askers as the answerers of questions of this kind. With respect to the other Motion of the noble Marquess, he had given him the substance of the information obtained at the Horse Guards; but he was informed that it was quite unusual, in such cases, to call for the names of the recipients; and he hoped that upon consideration the noble Marquess would see the impropriety of publishing them.

The Duke of WELLINGTON assured the House that these pensions had originally been granted entirely as matter of charity to private individuals. So far from its being correct that these pensions had been granted for political purposes, they had been granted upon no ground, political or otherwise, but out of mere charity and good feeling towards those who had rendered important services to the British army in Spain. So far from its being true that the death of Ferdinand VII. had had the effect of increasing the amount of these pensions, the contrary was the fact, for it had greatly decreased. The gratuities had been granted and were continued upon no political or other grounds, except charity alone, to those who had given their services to the British army; and the Foreign Office had nothing at all to do with these pensions. If the noble Marquess liked to come to the Horse Guards he might see the list of the persons to whom these pensions had been granted; but he hoped that the noble Marquess would withdraw so much of his Motion as called for the production of the names.

The Marquess of LONDONDERRY then withdrew that part of his Motion which related to the names.

Motion, as amended, agreed to.

REMOVAL OF ALIENS BILL.

The Marquess of LANSDOWNE moved the Order of the Day for taking into consideration the Commons' Amendments to the above Bill.

The Earl of ELLENBOROUGH hoped that some explanation would be given of the nature of those Amendments.

Lord CAMPBELL thought their Lordships might, with the most perfect safety, agree to the Amendments of the House of Commons, the effect of which would be to mitigate the rigour of the Bill without defeating its object.

Lord STANLEY was of opinion that the 4th and 5th Clauses of the Amended Bill materially weakened the effect of the Bill as passed by their Lordships. These clauses also were now at variance with each other.

Earl FITZWILLIAM hoped that it never would be necessary to put this Bill in force, for, if it were, it could not be otherwise than injurious to this country in its relations with foreign States, which relations it was our duty to maintain intact and inviolate.

The Marquess of LANSDOWNE said, the chief object of this Bill was to guard this country against any revolutionary attempts being made on the part of foreigners to subvert the constitution and institutions of this country. The Government, at the time they introduced this Bill, were in possession of information that made it indispensable for them, in conformity with their duty, to ask Parliament to provide security against such attempts being made. He shared to the utmost degree in the confidence that had been expressed that no such suggestions, no such manœuvres, no such interference, would be attended with the effect that was sought to be produced by them; but, nevertheless, they tended to disturb the peace and tranquillity of the country, and, above all, to affect the interests of the middle classes. Even in the insignificant attempts that were made a short time ago to disturb the peace of this country, there were individuals who were aiming a destructive blow, if not against our constitution, at least against property to a large amount. He thought the people of England deserved to be defended against such actions as these, and that they ought not to be placed in jeopardy if the Government and Parliament could in any way step in to prevent it. This Bill, then, he considered to be a measure which the Government owed to the people, and particularly to those of the middle classes, who would feel greater security under its provisions. There was no reason to believe that any other country complained of this Bill; and, on the contrary, he believed that other countries exercised powers of a more extensive character than this Bill would confer; and yet his noble Friend supposed that those countries, daily ejecting persons as they did without the forms that were proposed here, would have a right to be aggrieved by our asserting such powers. He had no such apprehensions. He believed that no surprise whatever was felt in any other country with respect to this Bill, and that it met with the general sanction and approbation of all people here.

Lord REDESDALE objected to the power that was intended to be conferred on two justices of the peace. It was, in fact, greater than that which was conferred by the Bill on the Secretary of State himself.

Earl GREY said, the 5th Clause of the Bill gave a security against persons being kept in prison for an indefinite period. If the Government did not avail themselves of the power of sending persons out of the country in a reasonable time, justices of the peace would have the power of releasing them from gaol.

The Earl of ELLENBOROUGH said, that there might be such a prejudice against a man that it would be difficult to get two magistrates to release him. He ought to have an absolute right to his discharge if not sent out of the country in a month.

Earl GREY said, there were various obvious reasons why it was desirable that a discretionary power should be lodged in the hands of the justices; and every Act of Parliament assumed that that discretion would be fairly exercised.

Amendments agreed to.

POOR-HOUSES (IRELAND) BILL.

The Earl of DEVON moved the Second Reading of this Bill.

Lord MONTEAGLE gave notice that in Committee he would move an Amendment which would restrain the power of giving agricultural labour to young persons in the workhouses.

The Marquess of LANSDOWNE said, he had prepared an Amendment very much to the effect indicated by his noble Friend. He considered that it might be expedient to employ the paupers in the cultivation of land with the view to their improvement in the science of agriculture, and in order that they might have placed before their eyes the best methods of cultivation. For these purposes it was proposed to give the poor-law guardians power so to employ them when the Poor Law Commissioners approved of it; but he did not conceive it would be right to employ the paupers in agricultural labour with the view to profit.

The Earl of DEVON had no objection to an Amendment to that effect.

The Earl of MOUNTCASHELL supported the Bill. As a poor-law guardian he knew how detrimental to the character of the poor it was, to shut them up together without employment—it gave them habits of laziness which were scarcely ever eradicated. The proposed plan would also much improve the health of the paupers.

Bill read 2ª.

House adjourned.

HOUSE OF COMMONS,

Tuesday, May 16, 1848.

Minutes.] New Writ. For York City, *v.* Henry G. Redhead Yorke, Esq., deceased.

Public Bills. 1° Tithe Rent Charge, &c. (Ireland).

Petitions Presented. By Mr. Cowan, from Edinburgh, for Adoption of Parliamentary Reform.—By Viscount Bernard, from Cork, against Repeal of the Union with Ireland.—By Mr. Henry Berkeley, from Bristol and its Neighbourhood, for Adoption of Vote by Ballot.—By Mr. Pole Carew, from the Deanery of East (Cornwall), for Alteration of the Law respecting Bishops.—By Lord Courtenay, from the Deanery of Cadbury, in the Diocese of Exeter, for Increasing the Number of Bishops.—By Mr. Gardner, from Leicester, for Abolition of Church Rates.—By Mr. Bright, from Bury (Lancaster), and by other Hon. Members, from several Places, for Better Observance of the Lord's Day.—By Mr. Bateson, from Magherafelt, and several other Places in Ireland, in favour of the Places of Worship Sites (Scotland) Bill.—By Mr. Masterman, from the District of All Saints, in the Parish of St. Mary, Islington, against the Roman Catholic Relief Bill.—By Lord Courtenay, from Kingsbridge (Devon), and by other Hon. Members, from a number of Places, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Tennent, from Belfast, for Inquiry into the Excise Laws.—By Mr. Ord, from Newcastle-on-Tyne, and its Vicinity, for Alteration of the Banking Law.—By Mr. Littleton, from Walsall, for Alteration of the Law of

Bankruptcy and Insolvency.—By Mr. Archibald Hastie, from several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for Extension of the Benefit Societies Act.—By Mr. Masterman, from the Parish of St. Ann's, Blackfriars, and several other Places, against the Diplomatic Relations, Court of Rome, Bill.—By Viscount Bernard, from Athnowen, Diocese of Cork, and by Mr. Napier, from Derryvollen, Louth, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Mr. Grey, from John Martin Hatchett, late a Post Captain in the Royal Navy, respecting his Dismissal from the Service.—By Mr. Cardwell, from Merchants and Others, of Liverpool, respecting Master Porters connected with that Port.—By Mr. Robartes, from St. Austell (Cornwall), for Alteration of the Law respecting Mendicants.—By Mr. Stafford, from Owners and Occupiers of Land in the Parish of Irthlingborough (Northampton), for Alteration of the Poor Removal Act.—By Mr. Hume, from Richard Poole, Fellow of the Royal College of Physicians, Edinburgh, respecting the Postage Charge on Re-directed Letters.—By Mr. Hale, from Medical Officers of the Chipping Sodbury Union (Gloucester), for Alteration of the Public Health Bill.—By Captain Fordyce, from Aberdeen, and by Mr. Hume, from Montrose, respecting the Suggested Loans on Railways (Scotland).—By Mr. Hume, from Gloucester, for Alteration of the Law relating to Turnpike Roads.

THE INDIAN MAIL.

Mr. HENLEY asked the following questions of the Secretary of the Admiralty, respecting the conveyance of the Indian mails:—"Whether, in accordance with the decided opinion expressed by the Committee of the House of Lords, any inquiry has been instituted into the cost of the execution of the former contracts for conveying the mails from England and Alexandria—into the manner in which the service has been performed—and into the profits resulting to the contractors? By whom such inquiry has been made? Whether the Government proposes, on the part of the public, to continue to pay the present heavy charge for such communication? Whether, in any future contracts, the Government propose to adopt the suggestion of the Committee of the House of Lords, that the public shall be secured, by adequate provisions in the contracts, a participation in the profits, when they shall exceed a certain percentage on the capital; access to the accounts; and a full knowledge of all the transactions of the several companies with which agreements may be entered into? Whether any department of the Government, and, if any, which, will be responsible to Parliament that the contracts about to be entered into shall be just and proper?"

Mr. WARD replied, that with respect to the recommendations of the Committee of the House of Lords, he could not say that he concurred in all the proposals. With respect to the first question, he must observe that under these contracts the Admiralty had no power to institute such inquiries, except with the concurrence of the contractors themselves; but, by the present arrangement with one of the companies, an agent of the Admiralty would be admitted to inspect their books, and to ascertain whether the terms were fair. It was the intention of the Admiralty, to select, as the person to conduct such inquiry, the present Controller of the Steam Navy, Captain Ellice. With respect to the third question, the Admiralty conceived that by opening the contracts and giving notice that fresh tenders would be periodically required, they took the best precaution for reducing the charge of communication. With respect to the fourth question, he was instructed to state, that after full consideration the Government did not consider that it would be advisable to have a Government order. He believed that a more effectual check on any undue profit would be the opening of these contracts periodically and taking advantage of the lowest tender; and for the propriety of the contracts the Admiralty would be responsible.

THE MAURITIUS.

Lord G. BENTINCK asked the Under Secretary for the Colonies, whether he had any objection to lay on the table the official letter of the Mauritius Association addressed to him on Saturday last, giving a very different picture of the state of the colony from that with which the hon. Gentleman had favoured the House?

Mr. HAWES had not the least objection to lay a copy of that memorial on the table of the House; but he would now repeat, without the least qualification or alteration, the very answer he gave to the noble Lord on a former occasion. He wished to state that, considering the deep commercial pressure which was prevailing in that colony, the accounts last received, up to the 14th of February, were more favourable than could have been reasonably anticipated. He adhered to his former answer; and he was glad that the noble Lord gave him an opportunity of referring to the memorial in question, which, while attempting to contradict what he had stated to the House, only furnished additional reasons for crediting the correctness of his statement. The memorial stated that in February last the price of sugar was higher in the Mauritius than in the home market; and, admitting that to be an advantage to the planter, as no one could deny, it attempted to show that it only proved the distress of the colony; but of the mode in which that was done he would leave the House to judge when the document was produced. It also alluded to the financial state of the colony; but even after the great commercial pressure which had prevailed there, the financial state for the ensuing year was as favourable as it had been for the last.

JAMAICA.

MR. GOULBURN inquired whether any advice had yet been received from Jamaica, giving an account of the state and prospects of that island?

MR. HAWES was sorry to say that the Government had not yet received what was called the blue book, and had only general accounts from the island.

CATHEDRALS AND COLLEGIATE CHURCHES.

MR. HORSMAN* rose to move—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct an inquiry to be made into the state of our Cathedrals and Collegiate Churches, with a view of ascertaining whether they may not be rendered more conducive to the services of the Church and the spiritual instruction of the people."

His proposition was, that these establishments had been endowed for great national and religious objects; that they had been invested with large property and extensive patronage and preferment, for the purposes of education, charity, and religion; that for many ages they had answered those ends, but that now they did not. His proposition was, that wherever these venerable cathedral establishments were seen to raise their heads, there the Church was always found to be weakest, and there dissent would be found to be most active and most rife. This, though a strong statement, he was prepared to prove, not by any general averments, but by a detail of the different cathedral establishments of the country as they now existed. He was prepared to take the House from diocese to diocese, and to show from one end of the country to the other, that they in every instance, as now administered, tended to the weakening rather than the promotion of Christianity. In going, as he was prepared to do, into the circumstances of each cathedral, it was undoubtedly natural that he should begin with the most prominent among them—the cathedral of the arch-see of Canterbury. He wished to premise that when he spoke of the state of things, he meant the state of things as remodelled by the law of 1840. It was true there were many abuses which must continue to exist for years to come, but which the lapse of lives in possession would gradually diminish; he therefore took his stand upon the manner in which the law had left the system in the places he was about to describe. In the see of Canterbury the Act of 1840 had reduced the number of stalls in the cathedral to six; its revenues were about 20,000*l.* per annum, of which 8,000*l.* was divided among the chapter—the dean taking two shares, and each of the canons one share. Now, besides the estates from which this revenue was derived, the dean and chapter were patrons by themselves or their nominees of about forty livings, and by law they might present themselves to these livings, each canon being permitted to hold one benefice in conjunction with his cathedral stall. At present most of the canons held several livings; but passing by those held in plurality, and selecting only the richest one held by each, he found that seven members of the chapter held among them seven benefices (to several of which they had been presented by other patrons) of the annual value of 9,200*l.*; so that under the law as remodelled, there being nothing to prevent their holding seven such livings, the dean and chapter of Canterbury may divide amongst them 17,000*l.* per annum, thus giving to each canon about 2,000*l.* per annum. In addition to the dean and chapter, there was a very large establishment kept up, consisting of a subdean, precentor, chancellor, sacrist, minor canons, treasurer, choristers, wood-ranger, and others. Now, such being the revenue and such the establishment, the question that would naturally be asked was, "What is all this establishment for? To what good does it tend? What advantage does the Church or the country derive from it? What are the duties performed, and what the services rendered to the cause of religion?" In answer, it was a melancholy acknowledgment to make, that these establishments, in their present condition, as now administered, as daily seen and felt, existed not to the strengthening, but to the extinction of religion. They brought discredit upon the service of the Church, created disrespect for her ministers—they weakened her congregations, and strengthened her enemies. The first error of the Act of 1840 was the assumption that the reduction of the number of stalls was the fulfilment of the duty of the Legislature; but other abuses and anomalies were permitted to continue, and, above all, the Act perpetuated swarms of pluralists and sinecurists. And having such establishments, he now came to inquire how the Church itself was served. In Canterbury, like other cathedral cities, there were two kinds of service—the cathedral service, of which the members of the chapter took charge, and the services in the city churches, most of which were under the patronage of either the dean and chapter or the archbishop, and served by clergymen nominated by them. Of the character of the services generally in cathedrals he should have occasion to speak presently, but he would first show the actual manner in which the people availed themselves of those services. One of the reasons which had been put forth in favour of maintaining so large a staff was the advantage which it would give of a daily service being performed with all solemnity. Now he had taken a return of the attendances on the service by the people on two out of five days in the last week, and he found that in Canterbury Cathedral, as in other places, the attendance at service of the officials was very nearly equal to that of the persons attending as members of the congregation. The average on these two days last week was as follows: in the morning there were twenty-one officials present, with a congregation of twenty-five, and in the afternoon twenty-two officials to a congregation of fifty-three. But Canterbury Cathedral in this respect was a very favourable instance, for very few of the other cathedrals in the country had these weekly services so well attended as was the case at Canterbury. He had endeavoured to get returns of the average attendance at the weekly services in all the other cathedrals, and he had obtained them in some nine or ten instances. At York last week he found the average attendance of officials was twenty-three, and of a congregation fifty. From Durham the return first received was so extraordinary that he had the numbers taken again for three consecutive days, instead of one day, and the following were the results:—On the first day, at morning service, officials thirty-two, congregation four; in the afternoon, officials thirty-three, congregation thirty-seven. On the second day, at morning service, officials thirty-three, congregation eleven; afternoon service, officials thirty-two, congregation twenty-five; and on the third day, at morning service, officials thirty-three, congregation six; and in the afternoon, officials thirty-two, congregation twenty-eight. So that in each of these three days the number of official persons present at the services was one-third more than the congregation. From Peterborough similar returns had been received by him. He found, in a succession of days, the attendance there of officials was twelve, congregation seven; at Wells, officials nineteen, congregation twenty-two; at Carlisle, officials seventeen, congregation nine; at Rochester, officials twenty-two, congregation fourteen. From Oxford he had received a return which was remarkable, because there it would be expected that many connected with the University would attend the service, independently of the inhabitants of that city. He, however, found that the average attendance was, of officials, fifteen; congregation, eighteen; while at Lincoln the average attendance was shown to be, of officials, twenty-four, congregation, eight. It must, therefore, be admitted that, so far from giving the public great advantage from week-day services, there was not in that respect much return made by these richly-endowed establishments, and it was evident that the inhabitants, instead of availing themselves of these services, actually shunned them, because it could not be doubted that a great part of these congregations consisted of visitors, attracted to the cathedral by the beauty and antiquity of the edifice, or of the families of the dignitaries residing. In Canterbury, and other places mentioned, comparing population and attendance, he found the following table as the result:—

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* From a corrected Report.

PROPORTION OF CATHEDRAL WEEK-DAY ATTENDANCE TO POPULATION AND OFFICIALS.

Cities.	Population.	Average Attendance.	Proportion to Officials.
Canterbury ...	15,000	39	Not double of Officials.
York	30,000	50	2½ of Officials.
Durham	13,000	18	One-half.
Peterborough	7,000	6	One-half.
Carlisle	20,000	8	One-half.
Wells	4,000	22	About the same.
Rochester ...	12,009	14	Two-thirds.
Oxford (exclusive of University) ...	23,000	18	About equal.
Lincoln	13,000	8	One-third.

So much, then, for the attendance upon the week-day services; and now he had to inquire how far this state of things was compensated for by the attendance upon the services on Sundays. It might very naturally be supposed that if there were any towns or districts in which the service on Sunday was more fully and adequately performed than in any other, it would be in those cities which had a numerous resident clergy who were not occupied by parochial duties, and who had no other clerical occupation to engage their attention. But experienced proved that cathedral cities showed directly the reverse to be the case; and it was a fact that in proportion as the chapter was rich, the churches were poor. To that invariable rule Canterbury did not form an exception. In the city of Canterbury there were fifteen parish churches, and would the House believe that the clergyman of only one of these was secured any provision by law? This was the parish of St. Martin's, in which 300*l.* per annum was secured to the incumbent out of the tithes on crops; but all the rest might be said to be supported by, and to exist upon, the voluntary system. He did not make this statement without having evidence to support it. He had with him a memorial addressed by the clergy of Canterbury to the Ecclesiastical Commissioners, setting forth the facts, giving a statement of their incomes, and praying that, in order to enable them properly to perform their duties, the proceeds of one of the suppressed stalls might be divided among them. That memorial, reasonable as it seemed to him to be, was refused. The highest income of any of these clergymen was 140*l.* One of them, who had a parish with a population of 1,900, received 90*l.* a year; another, with a population of 2,500, received 112*l.* a year; and another, with a population of 1,600*l.* received the miserable pittance of 75*l.* a year. In all these fifteen parishes there were only four residences for the clergymen, and the income of the whole of the city clergy was only 1,100*l.* per annum, being less than the revenue received by one single member of the chapter. Such, then, being the provision for the clergy, let the House now look to the provision made for the congregations. He had procured a return of all the services performed in the churches of the city of Canterbury, as well as of those performed in the Dissenting chapels there on last Sunday. The number of persons attending the Church services in the churches, including the cathedral, was, in the morning, 2,085; in the afternoon, 2,240; and in the evening, 1,440: making a total of 5,765. In the Dissenting chapels, on the same day, the attendances were as follows:—In the morning, 1,825; in the afternoon, 402; and in the evening, 2,670; so that the attendance on the Church services had been 5,762, while that in the Dissenting chapels was 4,899, being seven-eighths of the whole. In Canterbury there was church accommodation for about 8,000, while the accommodation in the Dissenting chapels was about 3,700. The largest attendance at any one service in the churches was 2,240, and in the Dissenting chapels 2,670. But there was another point which it was not unimportant to bear in mind in considering the question. It had been observed by Dr. Chalmers, "Educate the child if you wish to christianise the man." He (Mr. Horsman) found, that in Canterbury the attendance of Sunday scholars at the Church service was 647, while the attendance of Sunday scholars at the Dissenting chapels was 820, so that while the gross attendance on public worship was only one-seventh in favour of the Church, the attendance of Sunday scholars was one-fourth in favour of dissent. Strange as this might appear, it was quite intelligible when the melancholy evidence of the cause was examined into a little further. It would be thought, that in a city like Canterbury the services in the churches would be well and fully performed. He found, however, that out of the fifteen churches there was morning service on Sundays only in ten; in the afternoon there was service only in seven; and in the evening there was service only in five; so that there were one-third of all the churches shut up in the morning; more than one-half in the afternoon; and two-thirds were shut in the evening. On the other hand, in the nine Dissenting chapels there were twenty-two services—the same number as in the fifteen parish churches. Was there not in this fact some proof of the lethargy of the Established Church, and of the spur it gave to the activity of dissent? These were unpleasant facts for him to acknowledge, and some might think it dangerous to promulgate them, as use might be made of them by the enemies of the Establishment. He, however, thought the concealment of the truth was more pregnant with danger; and he felt it his duty to detail the truth. If such, then, was the state of things with respect to the parishes within the city, it could not be expected that the chapter would take much more care of the parishes under their control in the rural districts; and accordingly he found that in ten of these parishes nearest to the city there was scarcely one in which two services were performed on Sundays. In several there were services only on each alternate Sunday, and in several there were no schools but those belonging to the Dissenters. One of these, the poorest parish in the gift of the dean and chapter, had been visited from curiosity. It was situate in the immediate neighbourhood of Dover, and was held by the incumbent of Trinity Church in that town, who either came himself or sent his curate once a fortnight during the summer months to do duty. The service in those months was irregular—sometimes performed in the morning, sometimes in the afternoon; but in the winter months there was no service whatever. He had now done with the dean and chapter of Canterbury, except as to another matter connected with its charities, which he should not do his duty if he did not bring under the notice of the House. In the city of Canterbury there were certain hospitals, of which the members of the chapter were *ex-officio* patrons and managers. Two of these hospitals had been endowed by charitable individuals for decayed old men and women, who must be, as the foundation provided, poor, sick, impotent, and needy. One of the poor brethren was to be the prior of the establishment, and as such the manager of the property with which the hospital was endowed, and to which was attached an estate of about 200 acres. The House would presently see how the poor of Canterbury had been deprived of the benefits intended for them by the benevolent founders, by those whom he (Mr. Horsman) would not scruple to name, because in this House he ought not to shrink from stating all the circumstances. It appeared that the nomination of the poor brethren rested with one of the chapter — Archdeacon Croft — who, instead of nominating poor people who were residents of Canterbury, had named several of his own parishioners of Saltwood, and servants or dependants of his own. Another Gentleman, said to be one of the most wealthy in Canterbury—a gentleman who held the office of surveyor to the dean and chapter, with a salary of 500*l.*, and who was also woodranger and seneschal, and as such managed the whole estates of the dean and chapter—had been appointed by Archdeacon Croft one of the poor brethren. This gentleman's name was Austin; and he not only had been nominated a poor brother, but also prior of the hospital. This was not all, for there were several other members of the Austin family quartered on the charity. Let the House remember that the hospital had been founded for decayed and poor old men and women, and yet they found upon it a family of some of the wealthiest people in the city. But this was not all. The prior had the management of the estate of the hospital, and how did Mr. Austin manage it? He (Mr. Horsman) was informed that he let it privately to his own son, whether at a real or nominal rent no one in Canterbury could discover; but the whole place felt scandalised by the transaction. One word more in reference to the gentleman, Archdeacon Croft. The Archdeacon was the son-in-law of a late Archbishop, and in respect of his emoluments, he was not a bad sample of the old system. His stall in the cathedral was worth 1,000*l.* per annum, his archdeaconry 500*l.*, as Rector of Cliffe he received 1,300*l.*, and as Rector of Saltwood, 784*l.*, so that he was receiving altogether about 3,584*l.* per annum, and yet he had not hesitated thus to interfere with the due course of charity and benevolence. He (Mr. Horsman) had dwelt at some length on the case of Canterbury, which was a cathedral on the new foundation; and he would now ask the House to go with him to the cathedral of Lincoln, which was one of the old foundation. In 1831, when the Commissioners of Inquiry went down to Lincoln, the chapter consisted of a dean, sub-dean, chancellor, and precentor; they were, in fact, four in number. They divided 6,986*l.* a year between them, besides having the produce of separate estates and other preferments. The course taken by the Commissioners with respect to Lincoln cathedral was remarkable. In all other instances the Commissioners, without reference to income, made a reduction in the number of the stalls, and the proceeds of the reduced stalls were paid into a general fund for the general purposes of the Church. In Lincoln, however, they made no reduction; but they proposed, as the income was large, and the chapter small, for the sake of uniformity, to create another stall. By this arrangement, the chapter at Lincoln remained in the uncontrolled receipt and management of their estates. In 1831, however, they were called upon to make a return of their income; and they made a return, stating it was likely to be diminished in consequence of the decrease in the amount of fines paid on the renewal of leases, and also the declining value of the estates. Now, so far from any decrease in value in any respect, he (Mr. Horsman) believed if this inquiry was granted, it would be found there had been a great increase. The chapter, however, by their own account, receive about 1,200*l.* per annum each for the stalls, and, as a matter of course, they present themselves to the best livings in their patronage; so that, altogether, the income of each member of the chapter, under the new arrangements, would probably not be under 2,000*l.* per annum. This being the case, he must ask what were the benefits which Lincoln derived from this establishment, and what were the duties and services performed? The Commissioners in 1831 put several questions to the members of the chapter. They first asked the dean, "What are the duties attached to your office of dean?" The answer was very short. It was, "The duties attached to my office of dean are the usual duties of a cathedral dean." From that reply the House was not much the wiser. The next question was addressed to the sub-dean. "What are the duties attached to your office?" The sub-dean replied, "My duties are to act for the dean in his absence." So that the inquiry was not advanced much further in that quarter. The Commissioners then turned to the next member of the chapter, anxious to get something more satisfactory from him. They asked, "What are your duties as chancellor?" The response was, "The usual duties of a cathedral chancellor." From the fourth member of the chapter they got something more specific in the shape of a reply. The precentor, when asked the nature of his duties, stated, "My duties are to superintend the choir, and to preach once a year." Now, the superintendence of the choir by him was purely nominal—the choir was left to the management of the singing-master, and he believed that the precentor knew as little of music as of navigation, and no more interfered with the duties of the singing-master than he would with the cooking of the chapter dinner. His duty of preaching once a year was intelligible and specific, though it might be found somewhat an arduous duty. In fact, the whole duty of the dean was to reside eight months in the year in a house provided for him; the canons to reside three months each in every year, and to preach occasionally on Sundays, while in residence, but to take no part in the daily service of the cathedral. He (Mr. Horsman) had already stated that it had been proposed to make an addition to the chapter at Lincoln; and the manner in which this was received by the chapter was a singular contrast to what was done on the proposed diminution of the stalls at Canterbury. This was explained by an interesting volume collected through the instrumentality of the hon. Member below him (Sir R. H. Inglis). That volume contained the memorials which had been presented by the different deans and chapters to the Commissioners; and it appeared that the dean and chapter of Canterbury insisted that the number of twelve was only sufficient for the duties to be performed. In Lincoln, however, the chapter contended that four was too many, and that three would be sufficient, and that any addition to their number would imply a reflection, because it would insinuate they had not properly discharged their duties. They objected also to their dividends of the property being diminished by any addition to their numbers. But having shown the extent of the establishment on Lincoln Cathedral, and the provision made for the chapter, he would now inquire what provision had been made by them for the congregations; that was to say, what was the care which had been taken of the public, for whose spiritual instruction and advantage the establishment had been so richly endowed. First he would take them to the patronage of the chapter and the condition of their parishes. Previous to 1831, they had ninety-six livings now reduced to twenty-seven. Of these—

Eight are above . .	£250 per annum.
Six between . . .	150 and 250.
Thirteen under . .	150.

Of the eight richest the first was till lately held by the son of the late dean, another by Mr. Pretyman, the chancellor and son of a former bishop, two others by a relation of Mr. Pretyman's, who holds two other preferments in the diocese, making four in all; another by a son of this pluralist, another by another son, and two by an old incumbent, who has no connexion with the chapter. These are the richer livings. But now let them look how the poorer ones are filled. It was needless to say the chapter do not present themselves to them—and they are indeed in a most melancholy state: of the whole twenty-seven livings only eleven have residences upon them; of the thirteen poorer ones only two have residences; of these thirteen, four are held by minor canons of the Cathedral, one of whom holds no less than three; a fifth by a former master of the Grammar School, a sixth by the present master; of the others, two are held by one individual, and two others in plurality, The result of the whole twenty-seven livings is as follows:—The twenty-seven are held by twenty-one incumbents, of whom twelve are non-resident, and nine have other duties to perform independent of the livings they hold from the chapter. To say that these livings are generally in a bad state, would be but to give a faint idea of their condition—to say that the parishes are ill served would be superfluous, after the facts which he had stated. A letter written to him by a Lincolnshire clergyman gave so faithful a picture of the state of things, that he might be permitted to read it to the House:—

> "The churches and parishes where deans and chapters are the appropriators, are almost without exception through this county, in a most forlorn wretched condition, with a starving parson, a falling church, and, for want of schools, a people degraded both morally and intellectually. We have all groaned under the burden a long time, and I rarely meet any brother clergyman without some anxious desire being expressed of an alteration in the management and expenditure of Cathedral property—not that we by any means wish the chapters to be impoverished or done away with—but simply that they should be made to feel how wofully they are for the most part abusing the trust committed to them, and to restore a portion to the purposes for which the properties were first given and are much wanted."

Similar letters from other clergymen had reached him; and from one end of the county to the other, there was scarcely a clergyman who did not deplore the present system. But what was the state of the churches in the city of Lincoln itself? Formerly there were fifty-two churches, now reduced to thirteen, the patronage of which was divided among the members of the chapter. These could scarcely be called churches, for they were miserable, decayed, dilapidated buildings, such as could not be found in any district not under the control of a Cathedral chapter. Here, as in Canterbury, the churches were ill served and the incumbents ill paid. Those thirteen churches in Lincoln were held by ten incumbents, of whom six have other clerical duties independent of those of their parishes. The highest stipend was 150*l.*, and there was one as low as 68*l.* per annum; but the income of the clergy of the whole of them was 1,444*l.* a year, or less than the income of one member of the chapter. With respect to the provision made for the congregations, he had a return of all the attendances at the Established Churches and all the Dissenting chapels in the city of Lincoln on the same Sunday. He found that of the thirteen churches nine only were opened for morning service, three for afternoon service, and seven for evening service, and in all of them only nineteen services were performed. There were present at the morning services, 1,013; at the afternoon, 175; and at the evening, 1,075—making a total of 2,263, out of a population of 13,000 inhabitants. On the same day the attendances at the Dissenting chapels were as follows:—in the morning, 2,565; and in the evening, 3,102; making a total of 5,667 in ten Dissenting chapels, which had twenty-one services. The greatest number attending the churches at any one service was 1,075; whilst the greatest number attending the chapels was 3,100, being three to one. He, therefore, asked again, could these things be heard without feelings of sorrow and shame, and would it be wise or just to permit such a state of things to continue to exist? He had no return of the attendance at the cathedral, but he had a document to which he must draw the particular attention of the House, because it gave a better insight into the services at the cathedral than could be gained from any statistical return. He held in his hand a document, certainly the most extraordinary ever issued to a religious and Christian public. He wished that the worst which could be said of the services at cathedrals was that they were indifferent or altogether harmless. But he would give the House a description of the attendants at the cathedral service of Lincoln, written by no less an authority than the dean himself, and addressed to the vergers, stall-keepers, and other officers of the cathedral, in these words:—

> "TO THE VERGERS, STALL-KEEPERS, AND OTHER OFFICERS.
>
> "Whereas complaints have been made to me from several respectable quarters, and I have likewise myself observed, that persons are placed in the stalls or most distinguished places of the cathedral, who do not come within the rule of our Church discipline, which supposes every one to be seated according to his 'rank, quality, and station;' whence

arise the abuses of—1. A total disregard of the Rubrics, such persons often remaining in a sitting posture during the whole service, neither standing nor kneeling at the appointed periods; often, no doubt, from ignorance. 2. A system of talking, laughing, and jesting during the service, to the annoyance of their devouter neighbours; such attitudes, postures, and gestures, as would be unbecoming even in a private house. And whereas, on remonstrance to some of these persons, they have declared their determination to resist all attempts to reduce them to better order —I hereby require and enjoin you: 1. To exercise your best judgment and discretion, aided by whatever knowledge of the parties you may possess, to admit no person whatever to the stalls, who does not bear, or appear to you to bear, the character of a gentleman. No one can have the right to a stall except the dean and canons of the Church, and those whom they may expressly appoint to occupy it. The rest are by sufferance, for use, not abuse. 2. To remove from the stalls all persons who habitually sit during the service, in disregard of our injunction, or who (after having been once spoken to) persist in laughing and talking; calling in, if need be, the civil power of the constable to assist you in such removal, which is, however, to be effected with as little disturbance to the general congregation as each case and the degree of resistance attempted may admit of. 3. The same direction applies to the indecorous attitudes, postures, and gestures, also complained of, and which are sometimes such as actually to obstruct the canons who have need to pass those persons in their way to their official stalls. 4. What is said here applies in a less degree to the occupants of pews and benches. In doing this you will be performing only your duty, and amid whatever threats or actual opposition you will be borne painless. "Charles Goddard, D.D.

"Sub-dean and Canon in residence.

"Lincoln Cathedral, Sunday, Oct. 19, 1845."

Under the circumstances it was no doubt very proper on the part of the dean to issue such a document; but what a picture did it present of the services of our cathedrals? In the memorial to which he had already alluded, from the dean and chapter of Lincoln, they stated that their regular attendance upon the choral services of the Church secured to the public the full preservation of the most beautiful and striking solemnities of Christian worship, together with the most substantial comforts of daily prayer and thanksgiving. How did that contrast with the order he had just read? That was an order more fitted for those who infested a public-house or a playhouse than for the attenders of a Christian church. And it was that of which the public had so much right to complain. It was wrong and unjust to say that there was any want of sympathy with these establishments, or that on the part of the public there was any want of acknowledgment of what had been owing to them in times past, or was due to them in times present. Their ancient cathedrals and their purposes were appreciated and prized by them as Englishmen and as Christians. But for the abuses attached to them, there were few persons who would not feel for them all that veneration which could possibly be felt by the most devout attender on these public services—few who would not say, with one of their greatest admirers—

"Yet do these structures of our fathers' age
Shame the weak efforts of art's latest stage.
Say, whence the skill these darker times possess'd?
In those rude days men gave to God their best."

He had also returns of the Sunday attendance at the different cathedrals through the country, but did not think it necessary to go into them, or to detain the House much longer. But it would be a great mistake to suppose that the influence of the chapter was confined to the cathedral city; from their property in the neighbourhood, the parishes under their patronage, and the preferments to which they appointed, it was obvious the chapters must exercise very great influence, in every sense of the word, in the districts around. He had a return of seventy-five parishes within ten or twelve miles of Lincoln, almost every one of which had been personally visited, and regarding which he was furnished with the most minute details. He would give the House a mere summary of the result of this inquiry. In the whole seventy-five parishes there were only thirty resident incumbents and twelve resident curates; and there were thirty-four of them without a clergyman of any kind resident in their boundaries. In eight cases the officiating clergyman lived at Lincoln, either in consequence of connexion with the cathedral or some other cause. In twenty-two cases the minister who officiated on the Sundays lived in some more or less distant parish. Of the seventy-five livings forty-four were held in plurality, forty-five were held by non-resident ministers, forty-two were without any parsonage-house, and sixty had only one service in the day. Let it not be said that these cases of plurality and non-residence were provided for by Act of Parliament; for he had details to show that many of them were in violation of the Act; that in some cases appointments in plurality had taken place since the passing of the Act; that in others, licenses for non-residence had been granted; and that in other cases the diocesan might have compelled the building of parsonage-houses and residence, but had not done so. So much had this evil struck the Bishop of Lincoln himself that some time ago he had published a very admirable Charge on that subject, in which he said—

> "I am determined to enforce the provisions of the Act. I am satisfied that no single cause has contributed more to the prevalence of dissent in this diocese, than the too frequent practice of having only one service on the Sunday. When the parishioners see that a resident clergyman, having the care of a single church, opens it only once on the Lord's-day, the impression naturally made on their minds is, that he is more desirous of consulting his own ease than of promoting their spiritual welfare, and that they should be disposed to turn to any teacher who professes to supply them with the spiritual food for which they hunger."

He was very sorry to find that experience did not show that direction to have been acted on; for it was impossible to conceive any district in a state of greater neglect than that immediately around the parishes he had referred to. He would not go minutely into the state of the clergy themselves. He could show their poverty, their privations, their sufferings; he could show cases that had occurred where it would not be too much to say that the clergy had died in a state of destitution bordering on starvation; he could show from the letters of gentlemen of the highest character resident in those districts, that there could not be a more harrowing tale than the sufferings of those clergy. Instead of that he preferred placing the matter in another point of view; he would show the labours they undertook, the exertions they made—the manner in which one portion of the clergy neglected their duty, while another performed more than their share. One of the latter class made recently the following statement:—

> "The rector of a rich living in my neighbourhood (it was sixteen miles off) had taken his family to the water side. He sent his groom to me to know if I could take his duty at half-past ten next Sunday morning. I said no; I was engaged at that hour, but that I would take it at twelve."

There being no one else at hand twelve o'clock was fixed accordingly, and the distant parishioners of this rich rector, who came to church at the usual hour, found to their surprise that they would have to wait an hour and three-quarters before the service commenced. At half-past seven in the morning the clergyman who had been applied to left home on his pony to do duty at his own church, which was sixteen miles away. The service began at ten; he got through it as quickly as possible, gave a short sermon, and then galloped off to the church of the rich rector, where, by dint of hard riding, he arrived just in time to do duty there, at twenty minutes after twelve. Here he got through the service again as rapidly as possible, and then galloped away other fifteen miles across the country to do duty for another incumbent who was ill. The service there was at three; he went through the duty, and then galloped ten miles back, arriving late at his own parish church, where a small congregation was waiting anxious to know whether the parson was coming to give them a service or not. It was easy to suppose the state of fatigue in which this clergyman must have returned home late at night. This he did on eight successive Sundays in the dog-days. But he stated that he had even done harder work than that. He said—

> "One day when Mr. M., who is very fond of shooting, had gone to the moors, in the month of August, and his neighbour, Mr. C., had gone to the lakes, in consequence of the death of his brother, one of these gentlemen sent to me to ask me to take his duty. I replied that it was impossible, 'Master, Sir (said his groom), who brought the message, will be very sorry to hear that, for he be sadly confused what to do.' I said, 'Well, then, tell him if he will send me one of his hunters to meet me at Lincoln, I will try to take the service for him at six in the evening.'"

It was agreed upon that the matter should be so arranged. On the Sunday the clergyman started on his pony and rode to his first parish, fifteen miles off, where the service was at half-past ten. He had two parishes of his own; the second was two miles from the first; but he managed to take the service there at one. The parish of Mr. C., for whom he had also to do duty, was not far off, and he managed to arrive there in time for the service at half-past three.

> "Then," he continued, "I rode as hard as I could gallop to Lincoln, where I found a splendid mare waiting. I shut up my own pony in the stable, and galloped ten miles to Mr. M——'s parish, which I reached at six. This I continued to do for three Sundays in the month of August; and, to make matters worse, on one of those I was overtaken and drenched by an autumnal thunderstorm."

That was one case out of many, proving the hard labours to which these poor clergy were exposed. In the memorial to which he had already referred, the chapter expressed great alarm at any innovation, and referred to their past exertions in the cause of education and religious improvement, their superintendence of religious establishments, and their general influence on the state of the city; and they added—

> "We fear there is moving abroad a mischievous disposition to magnify, at our expense, the pastoral office and ministerial duties of those who are invidiously called the working clergy."

This was indeed an invidious phrase, but can any one now doubt that it originated in the vicinity of cathedrals, and in such distinctions as he had just shown between those poor clergymen who did the work, and the rich who received large salaries and emoluments, paying pittances to those by whom the work was done. To show how little had been done in these districts, in the way boasted of, he might state, that, out of 4,500*l.* a year received by the Ecclesiastical Commissioners, from this diocese, only 490*l.* had been laid out in it, and that out of 386 poor livings, they had down to the close of last year only augmented seventeen. There were innumerable cases of destitution which had been very grievously neglected. Into these it was unnecessary to enter, or to go into the cases of other cathedrals; the two he had adduced were sufficient to establish the position with which he had set out. He could show in others the evils arising from the system of letting church property, whereby everything like improvement was put an end to. He could show cases of chapter libraries, containing rare and magnificent books, which anywhere else it would be a privilege to look into, but of which the last catalogue had been made in the last century. There were instances of persons wanting to visit these storehouses of knowledge, when none of the chapter knew who had the key, and where the lock was so rusty that the key would not turn and the door could not be opened; and in one case, the party who had charge of the library key had complained of the great annoyance that would be caused by clergymen constantly coming to consult books. These memorialists claimed to be the promoters of education; but he could show that they abused their trust as trustees of grammar schools, as much as they did in the chapter; he could show lands and estates made away with; he could show, by letters to clergymen from the chapter themselves, who had become careless by long impunity, proposals as to managing the affairs of their churches which were perfectly scandalous. But nothing that he could say could more reflect on this system than the regulation proposed by the Commissioners themselves, to restrict them in the bestowal of the chapter livings, compelling them to present some of their own body, and precluding them from bestowing any portion of their preferments on deserving clergymen in their neighbourhood. If there was one thing more than another which should have been encouraged, it was the seeking out of deserving clergymen for the bestowal of preferments; but instead of that, the Commissioners would have compelled the chapters to divide those preferments amongst themselves, and forbade their being bestowed on others. They were to be given in the first instance to the members of the chapter, then to the minor canons, then they might be given to the master of the grammar school; and if within six months they were not given to any of the three the patronage lapsed to the bishop. Such was the recommendation of the Commissioners of Inquiry in 1836. He had heard a reason assigned for this proposed regulation, which he would not now state; but if it were true, nothing could pronounce a stronger sentence of condemnation on the characters and proceedings of these parties. The hon. Gentleman then referred to two petitions which he had presented from Wokingham and Carlisle, and read part of their contents. In the Wokingham case the parishioners had proposed to raise a sum of 3,800*l.* to rebuild the church; but the plan was given up in consequence of the lessee of the Dean of Salisbury refusing to allow the chancel to be interfered with, for the repairs of which he was responsible. Here was a defect in the law which required amendment. The other petition, that of Carlisle, after citing the poverty in which parishes were left of which the chapters were patrons and appropriators, gave two instances of poor clergymen, one of whom died lately in a public hospital, and the daughters of the other were seen daily working in the fields. He had now stated all he thought necessary to bring before the House. The two chapters he had referred to were a fair sample of the rest. He would now ask the House whether it was possible or right to allow these things to continue? There were many exemplary individuals amongst the members of these chapters; he did not blame them, but the system and the law; and he wished to enforce a change in the law by appealing to the good sense and conscientious feelings of the Legislature. If these things were allowed to continue, in a very short period the evil must get ahead of us. There was not one of the cathedral cities in England in which the Dissenters did not show a greater proportion to the Establishment than in almost any other part of the country. The hon. and learned Gentleman concluded by submitting his Motion to the House.

Lord R. GROSVENOR said, that, in the absence of the noble Lord the Member for Bath, he rose to state, in a few words, why he seconded the Motion. He hoped he had given sufficient proofs that he was attached to the Established Church of this country. He had always regarded that Church as the best means of disseminating the doctrines of pure religion; and he believed, notwithstanding the occasional abuses and deformities in that Church, that a great majority of the inhabitants of this country were sincerely attached to it, and most anxious that it should be, if possible, quite free from the defects to which the hon. and learned Gentleman had referred. He was most anxious for the extension of that Church; but he appealed to the House whether they could, in public or private, ask for additional funds to effect that enlargement so long as pluralities and sinecures were permitted to exist in it, and so long as the revenues of the Church were not made available to the utmost possible extent? Without committing himself to everything contained in the statement of his hon. and learned Friend, he, nevertheless. tendered his thanks to him for having brought the subject forward. His hon. and learned Friend, he knew, had undertaken a very invidious office in bringing for ward this Motion. It was one which would create him many enemies; but he believed that he had been actuated by the purest motives in introducing the subject to their notice. If one tithe of what the hon. and learned Member had stated was true, it would form in his opinion a complete case of inquiry. He knew enough of cathedral establishments to feel convinced that the inquiry proposed would be productive of the greatest possible benefit; and, therefore, though he could not adduce anything in addition to the statement of the hon. and learned Gentleman, he had very great pleasure in seconding the Motion.

Sir R. H. INGLIS said, that on behalf of a great majority of that House, he, perhaps, ought to acknowledge the flattering views which the hon. and learned Gentleman had, in the outset of his speech, expressed of their attainments when he assumed that the history, origin, and progress of cathedral institutions must be known to every hon. Member. He (Sir R. Inglis) apprehended that there was hardly any subject with which Members of the House —and he would, if they pleased, include himself—would be found so imperfectly acquainted as the history of the institutions which formed the subject-matter of this Motion. All, however, that he at present asked of the House was, that they would enter upon this discussion, not so much with reference to the origin and progress of cathedral institutions—not so much with the view as to what, in their judgment, those institutions ought to be, but with the consideration of what their duties, under their present constitution, actually were; keeping in view that they were not to require of cathedral institutions that which they were not intended to render; but that they should merely consider whether the duties imposed on them were or were not properly discharged. The hon. and learned Member for Cockermouth, though he had proposed a large inquiry, had limited the proofs in respect to the necessity of it to two or three cases. First, with respect to Canterbury, the metropolitican see, the hon. and learned Gentleman had stated, as one proof of the defective state of the cathedral, the number of the official congregation who attended divine worship, and the number that formed the general congregation. The hon. and learned Gentleman, he believed, had stated that those who formed the official congregation amounted to twenty-three. Now he should have supposed that the gravamen of such a charge would have been, that whereas the cathedral body consisted of so many official members, probably not more than three or four were to be found attending divine service. If he had not had a return on this point in his hand, he should have been prepared, *à priori*, to expect that the number of official members attending the cathedral would have been much less than it really was, as stated even in the return quoted by the hon. and learned Gentleman, as well as in his own. In fact, the proportion was considerable. With respect to those who were not officially bound to attend, namely, those who formed the general congregation of a cathedral city, it must be borne in mind that the cathedral, with only one exception in England, was not a parish church. It must also be kept in view that the object of cathedral worship was not perhaps to gather together as large a proportion of the inhabitants of the city as the area of the building could contain, but to exhibit a model of that higher kind of worship which was the distinguishing characteristic of our own Protestant Reformed Episcopal Church—a service to which, he believed, the whole of Europe furnished not aparallel. From one extremity of Europe to the other, there was nothing, he apprehended, which presented what might be so perfect a model of pure Christian worship as the cathedral service of the Church of England, equally removed from superstition on the one hand, and from the want of decorum and the want of reverence on the other. He could not admit that the statistics quoted by the hon. and learned Gentleman with reference to Canterbury represented fairly the average number of the congregation. If the object of this Motion had been merely to ascertain the statistics of the question, it would not, perhaps, have been worth his while to trouble the House. But, as it was right to desire accuracy in any matter when once introduced to the House, he felt jastified in observing that he had himself received a return on this point for the months of October and November, which he regarded as of equal value with the return referred to by the hon. and learned Gentleman. According to this return the number was—

On the 19th October	62
22nd	139
23rd	56
28th	150
1st November	165

As an individual, he could no more answer for the accuracy of this return than the hon. and learned Gentleman could for his; but at all events he believed that it was made *bonâ fide*. It showed, therefore—though relating to a different period—that implicit credence ought not to be given to the return brought forward by the hon. and learned Gentleman as a correct general description. However, there were more serious considerations involved in this Motion than the number of persons attending the cathedral service. Notwithstanding the statement of the hon. and learned Gentleman, he could not help fearing that the tendency of the Motion was to disparage altogether the cathedral system; for what were the words of the hon. and learned Gentleman in the commencement of his speech? That cathedrals "tended to the decay of religion." He denied that allegation. He had also heard the hon. and learned Gentleman say, with reference to the cathedral of Canterbury, that it tended to the "extinction" of religion—a still stranger phrase, and one which reminded him of what had been said of the Church of England by an eminent preacher among the Dissenters, "that she had damned more souls than she had saved." How any man claiming to be possessed of Christian charity could utter such a phrase of a Church purified by the martyrs of the Reformation, and distinguished as the great barrier of Protestantism, he was at a loss to understand. The hon. and learned Gentleman had given utterance to a congenial sentiment; and when he talked of cathedrals tending to the decay of religion, and the cathedral of Canterbury tending to the extinction of religion, he (Sir R. Inglis) could not help reminding the House what had been said of the Church by one who did not belong to it; and protesting against both allegations as without any foundation in fact. The incomes of the individuals forming the chapter of Canterbury had been dwelt upon, and, though a minor point, he felt that he ought not to pass it over without some notice. The hon. and learned Gentleman had stated that the aggregate incomes of the chapter amounted to 17,200*l*., and that the number had been reduced from twelve to six. He believed that on this point the hon. and learned Gentleman was more in error than he was on the other. At all events he was not accurate; since, whatever the the income might have been, or however divided before the late Church Reform Acts, he had not shown that this sum of 17,200*l*. was divided among the existing holders of stalls. He was happy, however, to notice, with respect to Canterbury, that the hon. and learned Gentleman — whatever inaccuracy might be in his statement with respect to the income of the chapter—had not charged the chapter with any violation of their statutes, or remissness in the performance of their duties. If, then, the law had not been violated, he asked the noble Lord the First Minister of the Crown—reminding him of his own memorable words with respect to a reform in civil matters, "that the country could not afford a revolution every year"—whether he thought the Church of England a subject, year after year, for perpetual mutations? In 1833, the work of reform in the Church was commenced. Had there since then been any violation of duty with respect to any of those cathedral institutions to which their attention was now called? If it were said that ministers of our holy Church were to be found in the neighbourhood of these cathedrals much less richly endowed than the canons of Lincoln or Canterbury, he would remind them that it was not a fair mode of arguing to take the lay inhabitants of a particular district, and to say that here were 10,000 labourers, whose aggregate earnings did not amount to the income of the great lord of the district. So long as there were differences of rank and station in civil life, so long was there no necessary imperfection in differences of rank and gradation in the Church. He believed the two necessarily corresponded with each other, and that it was an advantage, and not a disadvantage, that there should be gradation and rank in both cases. He did not wish to be misunderstood. He had no wish that a pittance, such as that which had been referred to by the hon. and learned Gentleman, should be thought sufficient for any minister of the Church. He had heard a high authority in that House express a wish that there should be no minister of the Church whose income should be less than 250*l.* a year. His own wish was that they should not pull down the great, but elevate the low. He no more grudged the higher incomes to the Church than he grudged the larger incomes to the aristocracy; but he should no more think of distributing the incomes of the aristocracy among the democracy, than he should think of taking the incomes of the hierarchy of England for the purpose of distributing them among the incumbents of the Church. He had never maintained that ecclesistical property rested on the same foundation, and was subjected to the same principles, as the private property of his fellow-subjects, but had uniformly maintained that the laws and principles which affected ecclesiastical property were the same as those which regulated any other corporation property whatever. If they had a right to take the property of the Bishop of London because it was too great, they had equally a right to take the property of the corporation of London, for the same reason. But he denied they had the right either in the one case or the other. When it was said that in the immediate neighbourhood of the great cathedral of Canterbury there were fifteen parishes, in every one of which, with the exception of that of St. Martin's, in the church of which St. Augustine first preached Christianity to this country, the income of the incumbents was very small, he would ask, how did that affect the conduct of the dean and chapter of Canterbury? Surely they were not bound to raise the incomes of those incumbents, because they were in the same locality. Still less could it be an argument in favour of the hon. and learned Member's proposition that the number of members of the Church of England in Canterbury was no more than 5,700, while that of the Dissenting congregations amounted to 4,500. For his own part he would wish to see every individual in the country a member of the Established Church; but the means of effecting that desirable object were not taking the property of the cathedral of Canterbury, or even of the Church of England itself. The hon. and learned Gentleman the Member for Cockermouth had directed the attention of the House to the situation of several other cathedral establishments—to Peterborough, Wells, Carlisle, Rochester, and Oxford. In the latter cathedral he had observed that the number of official persons daily attending divine service was fifteen, while the number of the congregation he had set down at a very small amount. The hon. and learned Gentleman seemed to forget altogether one important and extensive ingredient in the composition of the congregation of that Church. His account of the number daily attending there must have been taken during the vacation. In this respect it seemed to him that the hon. and learned Gentleman had been grossly misinformed. The congregation of Christ Church Cathedral, as he (Sir R. H. Inglis) had himself personally witnessed, was very numerous, having seen it often when not a space where a single human being could worship was unoccupied; and the congregation there was as attentive as in any parish church in England. With respect to numbers, therefore, so far as that particular case was concerned, he should say there had been great misapprehension, to say the least of it, on the part of those who furnished the details and information contained in the hon. and learned Gentleman's statement. Before he quitted the case of Oxford, he could not resist that opportunity of contradicting allegations, which, though not brought forward on the present occasion, had been introduced in former discussions, accusing the dean and chapter of that cathedral of not discharging their duty with respect to the administration of their funds, in augmenting the incomes of small and poor benefices. Now, the fact was, that for a considerable number of years past the dean and chapter of Christ Church were paying no less than 3,000*l.* a year, and had contributed to the income and value of smaller benefices to the extent of 8,000*l.* The hon. and learned Member had next gone to the case of Lincoln, and had stated that in the year 1831 the income of that cathedral amounted to 6,980*l.*, which was divided amongst four individuals. Now he did not see why the income of that, or any other place or party, should be taken for the purposes of such an argument as the present, as at what it had been in 1831, and not what it was in 1848. He conceived that no man had a right to ask another to what his income amounted, unless he came forward with some claim for aid: but as the case had been alluded to, he might state, without any want of delicacy on that occasion, what the present real amount of the income of the dean of Lincoln was. When the present dean had been recommended to that office by his right hon. Friend the late Prime Minister of England, he believed—and every one would admit such a dignitary of the Church was fully entitled to such a sum—the annual income was 1,500*l.* Was that too high for such a position? Well, the dean received that sum the first year, but the next year he had only received 1,100*l.*; and now in the third year, it was not likely he would get more than 800*l.* So far he had endeavoured to dispel the illusion under which the hon. and learned Gentleman seemed to labour with respect to the inordinate wealth of the dean and chapter of Lincoln. With respect to the comparison made between the income of cathedrals and of parishes in the same district, it might as well be said that the same was not equal to that of a wealthy Lord in the north of the county. He could not therefore understand the meaning of instituting comparisons between the value of the property of those localities in the neighbourhood of cathedrals, and that possessed by those institutions themselves (even supposing the value of both were accurately and properly represented), except for the purpose of raising a groundless clamour against the latter. At the close of his speech the hon. and learned Member had referred to the case of Carlisle. When he heard that particular place mentioned, he naturally looked round him to see whether the other hon. Member for Cockermouth (Mr. Aglionby) was in his place. He regretted that that hon. Member was not there, as he had an observation or two to make with reference to him, during the utterance of which he should wish that hon. and learned Gentleman to be present. That hon. and learned Gentleman took repeated opportunities of inciting the Secretary of State (Sir G. Grey) to bring in a Bill for the regulation of copyholds and copyhold rights. Now, such a measure would materially affect the interests of the property of Carlisle Cathedral. Whenever the hon. and learned Member for Cockermouth pressed his favourite measure on that subject on the consideration of the right hon. Baronet the Secretary of State for the Home Department, or the House, he was in the habit of referring to a petition from persons holding church leases, and who told their own story. Amongst some of the statements of that petition was one to the effect that the dean and chapter of Carlisle possessed property in one county to the amount of 20,000*l.* Now, what was the real state of the facts of this case? The property possessed by the cathedral in question in three of the neighbouring counties—namely, that of Northumberland, Cumberland, and Westmoreland, amounted to the nominal annual value of 17,000*l.* But how much, he would ask, did the dean and chapter receive out of that? Only about 3,300*l.* And who got the difference? The hon. and learned Member for Cockermouth (Mr. Aglionby) and other Gentlemen who held church leases; and they wished now to convert their beneficial leases into freehold estates. The lawyers of the north of England were very anxious indeed to denude the dean and chapter of Carlisle. There was another allegation in the petition to which he had already referred, with respect to the conduct of the dean and chapter of Carlisle. The two parishes, Wetheral and Warwick, were said to be worth 2,000*l.* a year; no doubt they were worth that amount to the lessees, but not to the dean and chapter. The income was but 2,400*l.* for seven years, which was only 350*l.* per annum. All these allegations, brought forward from time to time without an answer, produced an influence which it was desirable to counteract. It was said that in that parish it would be very proper to have another curate appointed, and the dean and chapter were expected to appoint another. Now he considered it was not just, it was not fair, to ask the dean and chapter, in their character, as lay impropriators, exclusively to contribute to the foundation of another curacy. No doubt the statements of the hon. and learned Gentleman who had introduced the present Motion were founded upon information which he had received from sources on which he placed reliance, and which he believed; and in like manner he could assure the House and the hon. and learned Member, that the statements which he made in reply were also derived from sources which he believed to be authentic, and upon which he could implicitly rely. There was one fact which he had to add to the case of Lincoln, and that was, that the dean had to pay 200*l.* for the expenses of a house, and that would reduce his nominal yearly income from 800*l.* to 600*l.* With respect to the dean and chapter of the cathedral of Carlisle, the case stood thus: instead of having, as it had been alleged, 20,000*l.* a year in one county, they had nominally 17,000*l.* a year in three counties; but out of that they only received about 3,300*l.* He could not feel indifferent to the spiritual destitution prevailing to such a large extent amongst his fellow-subjects, nor to the means of extending religious and beneficial instruction. He naturally felt as great an anxiety now for promoting the moral instruction of the people, as he had felt some years ago when he first called the attention of that House to the general question of the expediency of church extension. All his inquiries and investigations into that subject proved to him that the amount of remedy required for the evil of the existing spiritual wants of the people of this country, could not be supplied by individual means. Neither could it be supplied by the plan of his right hon. Friend, who, when First Minister of the Crown, had introduced a measure empowering each locality or corporation to promote its church extension according to its own means. The amount which that plan was calculated to raise had been exhausted, and yet the extent of spiritual destitution was not lessened. He felt assured that the hon. and learned Member who brought forward the present Motion felt as deeply as any one could feel the amount of the spiritual destitution now prevailing, and would not be the last to concur in any plan for the more general diffusion of moral and spiritual instruction to those who were so destitute. His noble Friend at the head of the Government (Lord John Russell) had very properly described that question as one of a civil and political necessity as well as of a religious one; and that the safety and permanency of the civil institutions of a State mainly depended upon the religious education of the people. But with regard to the efforts for the extension of such an education, all the efforts which had been made under the recent plan had failed; all those which had been made by the Dissenters had likewise fallen short in overtaking the lamentable amount of spiritual and moral destitution which at present existed. A plan had been suggested years ago for meeting this destitution, by an altered distribution of ecclesiastical funds; and that means had been pursued as far as it could, but had still been found insufficient; so that he could not help hoping that this country, which promoted so many national objects at the public expense, irrespective of the intrinsic considerations of cost, would not neglect a matter like that to which he alluded, which was of an interest far more important than any other, even to the temporal and national well-being of the people, while it was unutterably more important to their higher concerns.

Mr. AGLIONBY said, that the question which the hon. Baronet had told them he had—and which he himself admitted he had—often asked the Government, had nothing to do with the subject which his hon. and learned Friend had now brought before the House. The hon. Baronet had charged him with being the lord of the manor. That was true. He was lord of more than one manor, and yet he was the first to cry out against the tyrannical powers he held by virtue of those rights. The hon. Baronet had also charged him with being a holder of church leases, and with wishing to convert those leases into freehold property. That, also, was true; but it had nothing whatever to do with the question. The original payment was not traceable; and why should the dean and chapter of Carlisle levy a tax upon the labour and enterprise of the cultivator, and reap that which they had not sowed? He, however, thought that the dean and chapter might well say, "Heaven save us from our friends!" for the hon. Baronet had most unnecessarily introduced them into the debate, when, but for him, their conduct would never have been discussed. As it was, he thought it necessary to draw the attention of the House to a most important petition with reference to the property of the dean and chapter of Carlisle, presented on the 19th of April, 1848, by Mr. Horsman, from Penrith. Some of the facts stated in that petition he knew to be true; and he believed the whole of its statements were substantially correct. After describing the tenure of this property, the petitioners proceeded as follows:—

> "That great as are the disadvantages of this species of tenure in a temporal point of view, there are other considerations of still higher importance as affecting the interests of religion, which render it most expedient that a general system of enfranchisement of church leaseholds should be immediately adopted. Your petitioners need only to submit to the consideration of your Honourable House the inadequate provision which is made for the spiritual wants of the parishes from which the revenues of the dean and chapter of Carlisle are derived, and the manner in which churches are served, to prove the absolute necessity for a thorough reform in the administration of the property of ecclesiastical corporations. That nearly the whole of these parishes are served by perpetual curates appointed by the dean and chapter, from whom the said curates receive small annual stipends, or other trifling endowments, seldom exceeding 20*l.*, and in many instances of much smaller amount. That the said perpetual curacies could not have been served had they not from time to time been augmented by the Governors of Queen Anne's Bounty, from which augmentations the income of perpetual curates principally arises; but that the annual incomes of very few, if any, of them amount to 150*l.*, and in various instances do not amount to 100*l.*"

This statement reminded him that the country owed a debt of gratitude to the hon. Member for Montrose for having effected a reform in the misapplication of Queen's Anne's Bounty. At the time the hon. Member's Bill was introduced for that purpose, 100,000*l.* a year had been paid for twelve years for the augmentation of livings, many of them perpetual curacies, such as those of the dean and chapter of Carlisle, out of Queen Anne's Bounty. [Mr. HUME: Out of the public funds.] Yes; Queen Anne's Bounty falling short, an annual vote was taken of 100,000*l.* for twelve years, and a portion of it was applied to the very parishes of Wetheral and Warwick, mentioned in this debate, and in the petition from which he was quoting. The petitioners continued:—

> "That in some of these parishes there is no residence for the incumbent, and in others the parsonage houses are ruinous and insufficient, so as to deter clergymen from undertaking the cure, on account of the state of the building, and the risk of becoming chargable with heavy dilapidations."

He begged particular attention to the following facts:—

> "That two of the largest and most populous parishes in the diocese of Carlisle, comprising the city and suburbs of Carlisle, and a great extent of country around, are held as perpetual curacies under the dean and chapter, to one of which the stipend paid by the dean and chapter is only five pounds or thereabouts, and of the other, the endowment from that body is only about twenty pounds."

The petitioners then detailed several distressing cases of the poverty of the clergymen in those perpetual curacies, one of whom died in a free hospital, and another was compelled to allow his two adult daughters to labour in the field for their subsistence. They then say—

> "That the parishes of which the dean and chapter of Carlisle are impropriators, extend over a large portion of the county of Cumberland, and the estates and tithes belonging to these parishes are of great value, amounting to the sum of 20,000*l.* per annum or thereabouts, the whole of which property is granted out by the dean and chapter upon leases, which are periodically renewed upon payment of fines by the lessees. That the endowments paid by the dean and chapter, or their lessees, to their perpetual curates, do not, as your petitioners believe, amount in the whole to 300*l.* per annum; and, though the income of the dean and chapter has been considerably increased during the last fifty years by the inclosure of commons, commutation of tithes, exacting larger fines of renewals, and other causes, your petitioners are not aware that they have made any material augmentations to the numerous perpetual curacies held under them, although they are none of them adequate to the maintenance of a clergyman and his family. That the two parishes of Wetheral and Warwick, each possessing an ancient parish church, and the tithes and estates of which are worth about 2,000*l.* per annum, have been for a long time, beyond living memory (though, as your petitioners believe, illegally united on account of the churches being above a mile distant from each other), and are held by one perpetual curate, who until a few years ago performed divine service at the parish church of Warwick only once and at Wetheral only twice in three Sundays. That the stipend paid by the dean and chapter or their lessee to the curate does not exceed 50*l.* per annum, the remainder of his income being until lately derived from augmentations by the governors of Queen Anne's Bounty, but recently increased by the Ecclesiastical Commissioners to 150*l.* per annum."

Now, he (Mr. Aglionby) wished it to be understood that he considered it a shame and a scandal to the possessors of ecclesiastical property, whether deans and chapters or laymen, that such things should be. These petitioners also state—

> "That the dean and chapter of Carlisle consists of a dean and four canons; and during the last thirty years the four canonries have been filled by nine individuals, of whom seven have been the sons of archbishops or bishops."

No doubt, very proper persons; but it did create suspicion in the public mind when there was such a great degree of what he might call nepotism. The allegations of this petition ought to be inquired into; and the best friends of the Church, in his opinion, would offer no objection to such an inquiry. He would only quote another passage from the petition :—

> "That your petitioners have no reason to suppose that the system of other ecclesiastical corporations in the kingdom, as regards the management of their property and the endowment of their perpetual curacies, differs materially from that of the dean and chapter of Carlisle."

He entirely concurred in this belief. Disclaiming any other motive than that of the general good, he prayed the House, most earnestly, to consent to a full and fair inquiry.

Colonel SIBTHORP said, that there were certain persons in that House who made a practice of roaming about themselves, or of seeking for some impertinent commission, to ferret out grounds of complaint, and little they cared whether there were just grounds of complaint, so that they could get up a good *primâ facie* grievance. It seemed to him almost impossible — almost beneath a respectable Member of that House — to condescend even to notice, much less to reply to, the unfounded allegations made by such individuals respecting the acts of ecclesiastical bodies, and the conduct and character of the dignitaries of whom evil was spoken. He happened to be informed, as he was approaching the House, that the hon. and learned Member for Cockermouth (Mr. Horsman) had indulged in remarks upon the cathedral clergy of Lincoln; but he defied that hon. Member, or any other hon. Member, to substantiate anything against the character or conduct of those clergymen. He had had the honour of long being connected with the city of Lincoln; he had long resided near that city; his personal knowledge of the clergy was considerable; and from that excellent man, the Bishop, down to the humblest and simplest curate, not one would be found who would object to any investigation of their conduct; and he felt perfectly satisfied that whenever such an investigation might take place, the charges of the hon. Member for Cockermouth would be found to be frivolous, vexatious, and unfounded. The hon. Member had spoken of the destitution of the Church, and he had even gone so far as to say that one clergyman had died of starvation; but what grounds had the hon. Member for insinuating that such occurrences took place in the county of Lincoln? He demanded from the hon. Member, who had been working like a mole under ground, from what quarter he obtained such a charge, or rather fabrication? He knew many most zealous and indefatigable clergymen connected with Lincoln Cathedral; and did the hon. Member mean to charge them with a dereliction of duty? He knew not of what religion the hon. Member was, if any. [" Order!"] He had a strong opinion on that point, and thought he was justified in maintaining it; but if he had said a word which was contrary to the rules of the House he withdrew it. But what right had the hon. Member to bring charges against the clergy of the city of Lincoln? Why should he select the cities of Lincoln, Carlisle, and Canterbury for his attacks? There could be no reason, unless it was that the hon. Member had found it difficult to obtain persons to go round the country upon this groping commission of his. He did not object to inquiry; but he would ask, was it likely to tend much to the promotion of religion to hold forth to the public such unfounded statements respecting the clergy? It would have been more Christianlike, more charitable, and more becoming a member of the Established Church, to stand forward in defence of the character and conduct of clergy of the Church, than to endeavour to degrade them in the eyes of the world. He regretted he had not heard the whole of the speech of the hon. Member; but he believed that the whole of the statements made by that Gentleman were entirely unfounded.

Mr. HORSMAN denied having made any charges against individuals, least of all any individual connected with the gallant Officer. He certainly found in the clergy list the name of the gallant Officer's brother as the incumbent of Washingborough, in Lincolnshire; but he was evidently not one of the starving clergy, for the living was stated to be worth 1,500*l.* a year. He (Mr. Horsman) had made no charges against individuals; it was the system only that he had attacked.

Mr. GLADSTONE agreed with the hon. Member who had introduced this Motion in what he had just said by way of explanation. He entertained the opinion that this was the question which would not be found to affect personal character, but one which bore mainly upon the state of the law. He was persuaded that that was the view taken by the hon. and learned Member who made this Motion; and he understood that it referred to impropriators who, holding large amounts of church property, left those who performed the spiritual duty without adequate means of subsistence. But the hon. Member must admit that the present position of the chapters was one of increased difficulty, and that they were not in the same position as when they had the entire possession and undisturbed administration of their estate. The Ecclesiastical Commissioners now came in for a part of the property; and while he was far from saying that the duty of providing for the performance of the services and administrations of the Church was thereby annulled, he did say that it had become a matter less clear than in former times, and that, therefore, they had much less a right to make personal charges, though it was doubtless incumbent upon the House to look into the state of the law, and to improve it, by making the responsibility clear, and thus secure the due fulfilment of an essential duty. The real question was, whether the state of the law was that in which it ought permanently to be? He did not think that this was a question which called for a formal inquiry? He did not know whether the hon. and learned Member intended to do more than to raise this discussion, and thus to elicit the opinions of the House; but while this was a subject which required the attention of the Government and the Legislature, the facts of the case were not of such a complicated and profound nature as to require a separate and specific inquiry. He thought, on the face of it, the law of 1840 was not a law which ought to remain without amendment. It broke up the old chapter system, and, by reducing the numbers of those connected with the cathedrals, detracted from that moral weight which, if they had not, they ought to possess; and which they would have if the appointments to canonries were properly made. But, besides breaking up the old system in this respect, it left a considerable number of canons, and bound them to a residence of three months out of the twelve. It was difficult to know precisely what was the meaning of the Bill. There was, first, the important purpose of not only the maintenance of those noble fabrics, but the maintenance of daily and perpetual worship of God in the beauty of decency. But he thought, that cathedral establishments had had even more important functions in the history of the Church. He wished to see our cathedral establishments placed in a condition to discharge those functions; he wished to see the clergy possess the influence they ought to have by virtue rather of their character than their wealth—by the discharge of their duty rather than by the possession of sounding titles, while their duties in many cases remained almost in abeyance. Much that related to the state of learning in the Church, and among the laity also, depended upon our cathedral establishments. Indeed, he regarded the promotion of learning as one of the highest functions of these institutions; and, though it could not be denied they had been ill-administered, they had done something for the maintenance of sound theological erudition amongst the clergy. But the Act of 1840, in that respect, was detrimental. It was difficult to see how a three months' residence of the canons could give any distinct direction towards the promotion of theological learning. If parochial purposes were held to be of more importance, then a three months' residence involved a serious interruption of parochial duties. He confessed he had a desire to see the canons of our cathedrals exercise a more specific and definite influence upon the learning and education both of the clergy and the laity. For that purpose certain of the canons should be permanent residents, and they ought to have no parochial duties imposed upon them, except, perhaps, some charge in the neighbourhood of their cathedrals, which could not involve any other motives than those of pure Christian charity. For other purposes, without the law of three months' residence, he thought the office of canon might be held by the clergymen of large parishes with great advantage—that increasing their weight in the chapter, and adding to their influence with their flock by their connection with the cathedral. In this respect, he thought the principle of dividing canonries, which had already been acted upon, might be beneficial, as large incomes ought not to be derived by parochial clergymen from this source; though small ones might be a desirable addition to the incomes of poor but large parishes. If parochial purposes were contemplated as an end, this plan would do more for parochial purposes than the Act of 1840; while, at the same time, they might do more for the promotion of theological learning and erudition by giving a distinct character of that nature to a section of the canons. He could not entertain any doubt that, when the pressure of public business would admit, Her Majesty's Government would direct their attention to this question. He trusted that no word he had spoken would convey the impression that he wished to divest our cathedrals of anything. So far from that was his desire, that if he had ventured to object to the law as it now stood, it was because he believed that more might be done to develop their usefulness. He did not wish to pare away their resources, or reduce their efficiency. On the contrary, he thought, by the attention of Parliament being drawn to the subject in due time, and by further inquiry, the machinery might be rendered far more useful, whether for the purposes of education, or the cure of souls, and would be far more conducive to the prosperity of the Church than their present condition.

Lord JOHN RUSSELL: I agree with the right hon. Gentleman who has just sat down, and I think it will be the opinion of the House, that it would be right to make further inquiry, and to adopt further measures, with respect to the cathedral establishments of this country; and I should hardly have thought it necessary to do more than express my willingness to see further inquiry, and to consent to the adoption of further measures, were it not that I think, considering the manner in which the hon. and learned Gentleman stated his case, my opinion, might be misapprehended if I were merely to express my acquiescence in his proposal. The hon. and learned Gentleman stated several cases of alleged abuses; and though I cannot say whether he were right or wrong in his details, yet I have no doubt that some amendment might be made. But I own it appeared to me that he stated his case in such a manner as to show that he had come to the conclusion—the idea of which the right hon. Gentleman (Mr. Gladstone) deprecated in reference to himself—namely, that cathedral establishments were useless; indeed, worse than useless—that they tended to prevent the growth of religion, and to injure the community. In any course which I might pursue with regard to this question, my object would be to preserve and improve cathedral establishments, and to take care that they were devoted to legitimate purposes. Now, much as the hon. and learned Gentleman has studied this question, I do not think he has taken a right view of the changes which were made in 1840, and at other periods. He said, for example, that the chapters were obliged by law to give benefices in their patronage to themselves, and that he had heard a very discreditable motive assigned for the enactment of that provision. In point of fact there is no such provision. The provision on that subject is, that the chapter may nominate either a member of the chapter, the archdeacon of the diocese, a non-residentiary canon, any person who shall have filled the office of minor canon for five years, or any incumbent or curate in the diocese. I do not think, therefore, that the hon. and learned Gentleman can have studied with so much acccuracy as he might have done the reforms and alterations which are required. The right hon. Gentleman (Mr. Gladstone) had objected to the arrangement made in 1840; and in connection with this point I beg to call the attention of the House to the view which he has taken, and also to that which the hon. and learned Gentleman has expressed. The patronage of the Crown was at that time very much diminished by the suppression of canonries. Those of Canterbury were reduced to six, and others to four; and a large sum, then supposed to be 130,000*l*. a year, but which has since proved to exceed that amount, was expected to be obtained by the suppression of canonries and dignities, and of sinecure rectories, and some other useless offices in the Church. I remember that the late Archbishop of Canterbury and the late Earl of Harrowby—persons whose opinions on a subject of this nature could not but be entitled to respect—took an earnest interest in that measure, in which I also bore a part; and important words were framed in which both the Archbishop and the Earl of Harrowby concurred. The words to which I refer were to the effect that the proceeds of lands and hereditaments available should be applied to the cure of souls in parishes where it was most required, and in such manner as should be deemed most conducive to the efficiency of the Established Church, provided always that in making any appropriation due consideration should be paid to the wants and circumstances of the parishes out of which the tithes might arise, or had theretofore arisen. It appears to me that the Ecclesiastical Commission took the right view with regard to these funds. The hon. and learned Gentleman seems to take a view which I cannot consider accurate, namely, that the first duty of the Ecclesiastical Commissioners, when they had obtained any funds, was to provide for the spiritual wants of those parishes which were nearest in geographical position to the deaneries and chapters which had been suppressed. Now, I own it does appear to me that, after paying due regard to the wants of the parishes from which the tithes arose, the large towns in the manufacturing districts had the first claim to consideration, and that it was by no means desirable that the Commissioners should consider merely the contiguity of parishes to the situation of the different cathedrals. Differing thus much from the hon. and learned Gentleman, I am quite ready to pay my tribute of acknowledgment to him for the great attention which he has paid to the subject, and the application which he has bestowed upon details; and I may further say, that I concur generally with him in the opinion that further inquiry may properly be made, and further measures adopted, in reference to the cathedral churches. I do not well understand how the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) could carry into effect his plan of specially devoting certain canonries to the encouragement of learning. I do not know how anything could be done in that respect beyond choosing persons who have a character for learning; and even when such persons have been appointed to canonries, it does not at all follow that they will devote the remainder of their lives to theological studies. With regard to the revenues of deans and chapters, and to the mode in which they are collected, I think there is still a great deal to be done, both for the benefit of the Church, and for the security of those who hold under it. If the House concurs in the view which I have stated, it only remains that I should say that, although I think there is some inconvenience in agreeing to a Motion which proposes to pledge the Crown to a special inquiry on this subject, and on this subject only, yet I am quite ready to admit that the whole question requires further attention on the part of the Government. That special question which the hon. and learned Gentleman introduced on a former occasion—the question of the episcopal fund and the common fund—had engaged the attention of the Government, and they will continue to pay attention to that subject: and although I cannot hope that in the present Session any measure will be introduced by us either on this particular question, or upon the general one, yet I do think it most desirable that further measures for the reform of abuses in the Church, and with a view of rendering cathedral churches more conducive to the service of the Church and the spiritual instruction of the people, ought to be adopted.

MR. HUME rejoiced at the conclusion of the noble Lord's Address. The property of the Church of England was, in fact, public property, having been given by the Parliament of a former day for the purpose of supporting religious institutions, which the country, at that time, approved. The Parliament having given property, had clearly the power also to take it away; and if the ample means appropriated to religious instruction were found to be improperly applied, it would become the duty of Parliament to correct the abuse. When Church property was seen to be running in particular families to the extent of thousands a year, while nothing was being done in return, some alteration must be made. The Dissenters were far outnumbering the Church, both in places of worship and in schools, and excelling it in everything which tended to raise the mass of the community; and it therefore behoved those who desired the improvement of the religious condition of the country, to see whether the Church funds were well applied. In his opinion they were not. Nowhere else, scarcely, was so much ignorance to be found as in the cathedral towns of this country, where ten or fifteen persons attended to perform divine service, while there were numbers of places without a church. In nine or ten of the cathedrals there was not even double service. A great deal had been said about the beneficial influence of these establishments as regarded learning; but he denied that such was the fact. He hoped that his hon. and learned Friend would persevere in his object.

MR. GOULBURN said, that some hon. Gentlemen who had complained of the system of pluralities seemed to have forgotten that a statute had been passed, under the authority of the noble Lord opposite, which had placed the most important restrictions upon that system. The hon. Member for Montrose had referred to some Parliament which had given ecclesiastical property to cathedrals; and the hon. Gentleman had argued, that as Parliament had given this property, Parliament had a right to take it away. Now, he (Mr. Goulburn) should be very glad to be informed by the hon. Member to what Parliament he referred as having given this property to the Church. After what had fallen from the noble Lord

(Lord J. Russell), and from the general feeling which seemed to exist on this subject in the House, he did not think it necessary to enter at any length into the question. If those abuses which were alleged to exist by the hon. Member for Cockermouth did exist, no one would concur more cordially than he should in their suppression and reformation. His desire was, not to support abuses in the Established Church, but to retain that Establishment with such amendments as might be necessary to increase its efficiency and stability. An hon. Gentleman opposite, who appeared to have forgotten some of the records of history, had said that no eminent man had ever risen from amongst the clergymen who held cathedral preferments; but every man who knew anything of the history of the Church must be aware that many of the most important works upon theology which had tended to the instruction of the community had been written by persons connected with those establishments. He thought the tendency of the argument of the hon. Member for Cockermouth was to induce the House to adopt the opinion that canonries and other preferments in connexion with cathedrals might be altogether abolished. The hon. Gentleman had dwelt very strongly upon the deficient income of the parochial clergy in cathedral cities, and he had attributed that deficiency to the existence of the cathedral establishments; but if the hon. Member looked to other large towns, where there were no cathedrals, he would find the same state of things, and he would find that the abolition of rural tithes had deprived many incumbents of a considerable portion of their incomes. If the clergymen in cathedral towns had been left unprovided with a proper remuneration for the duties they had to discharge, he considered that the fault was that of Parliament or of the Ecclesiastical Commissioners, and not of those to whom the blame was imputed by the hon. Member for Cockermouth. The noble Lord at the head of the Government had justly stated that, although the Ecclesiastical Commissioners did derive, and would in future derive, a very large income from cathedral property, it appeared to him most important that the funds should in the first instance be applied to relieve spiritual destitution in parishes where instruction was most imperatively required, rather than to parishes adjacent to the cathedral towns, merely on the ground that such parishes had a claim on the funds from their contiguity to those towns. Suppose, for instance, that a large canonry of Canterbury was abolished, and a question arose whether a superior endowment should be given to a parish containing 1,500 inhabitants, or whether the funds should be applied to affording religious instruction to a parish in Oldham, or Manchester, or Rochdale, with a population of 10,000 or 15,000 persons destitute of such instruction, he considered that the Ecclesiastical Commissioners would act in accordance with the spirit of the law in giving aid to the more destitute district rather than to the other. He knew, however, that by pursuing such a course the Commissioners had incurred considerable obloquy, especially in the cathedral towns. He must also be allowed to say, that the hon. Member for Cockermouth had not stated correctly the provisions of the Act of Parliament which applied to these cases. The hon. Gentleman had stated that the dignitaries of Lincoln Cathedral derived very large incomes from the chapter property; that, instead of the number of canons being reduced, there had been an augmentation; and that their incomes were largely increasing, because they had stated their incomes at less than they really were, and the amount might be materially enhanced by the sum they would receive from future fines. Now, what were the provisions of the law? Lincoln was one of the cathedrals of the old foundation, and the dean and canons derived a large income from separate estates. The object of the Act was at once to deprive the dean and chapter of those separate estates, which were to be placed under the management of the Ecclesiastical Commissioners, and the funds derived from them were to be applied to relieve the urgent wants of other districts. The corporate property, however, remained divisible among the different members of the chapter; and in order to make the canons of Lincoln equal in number to those of other cathedral cities, a fourth canon was added, who would receive a share of the corporate property; and two shares of that property, instead of one, were appropriated to the dean. But the hon. Gentleman had said, that the incomes of these canons might be raised to a much larger amount than was contemplated by the Legislature. If the hon. Gentleman referred to the 5th and 6th of Victoria, c. 108, he would find that if the incomes of the canons exceeded the specified amount, the surplus income went to the Ecclesiastical Commissioners, and was to be distributed by them as part of the common fund to relieve the spiritual wants of the poorer classes of the population. There was one other point in the hon. Gentleman's speech to which he would refer, and of which he thought there was some reason to complain—he alluded to the hon. Member's statement with respect to Archdeacon Croft. He had not the least personal knowledge of that gentleman; but, he thought that, before the hon. Member for Cockermouth made his statement, it would have been only fair to have apprised some hon. Gentleman acquainted with Archdeacon Croft, of the nature of the grave charges he intended to bring against him, and thus to have afforded him an opportunity of making such a defence as he might think right. He regretted that the hon. Gentleman had not pursued this course. If they were called upon to deal with abuses, let those abuses be stated, and they could then apply themselves to provide a remedy; but he never knew an instance where an attack made upon an individual, who had no power of making a defence in that House, had any other effect than that of damaging the cause it was intended to serve.

SIR R. H. INGLIS wished to explain that he had not asserted that there was no difference between the property of an individual and the property of a corporation, but that, in his opinion, there was no distinction between the property of a lay corporation and the property of the Church. He contended that they had no more right to take Church property from the Bishop of London, than to deprive the corporation of any of their property.

MR. HEYWOOD considered that there was this practical evil attending the present system of deans and chapters, that they checked the Government in the appointment to bishoprics of eminent and learned theologians, who might do good service to the Church. The most eminent men in this country might be prevented from being placed in prominent situations in the Church of England, in consequence of deans and chapters refusing to consent to their appointment. He might observe that, when the British Association for the Advancement of Science met at Oxford last year, so indifferent was the Dean of Christchurch to the progress of science, that he absented himself altogether; he provided no accommodation for the visitors; and the illustrious foreigners who attended the meeting were entertained at breakfast by the members of the Association, who subscribed 5*s.* each, the tutors having lent their room for the entertainment. He believed there were very few indeed among the deans who cared much about science. He considered that a thorough inquiry ought to be made into the subject to which the hon. Member for Cockermouth had called the attention of the House.

SIR E. BUXTON, seeing the teeming population of those cathedral towns and the vast amount of uninstructed population in other parts of the country, thought it their duty to apply the funds of the Church in such a manner as would most promote the spiritual wants of that ignorant population. In one respect he differed from the hon. Member for the University of Oxford. He was not acquainted with the way in which the property belonging to these corporations was held, but he had no objection so to unite with him as to treat the property of these corporations as trust property for special purposes; and the trustees, he thought, had a right to see that the property was applied to the purposes for which it was originally intended. On the principle held by the hon. Member for the University of Oxford, they were to consider whether the property was not to be held for the benefit of the Roman Catholic Church; and if they had no right to apply it to other purposes, they were bound to return it to the Catholic Church, from which they had originally received it. He was of opinion that they had a right to appropriate it for the benefit of the Church; and he should have no hesitation in applying it for the promotion of the religious instruction of the people, in such a way as would be most likely to conduce to that object. He feared the House was sometimes apt to forget the miserable state of destitution in which vast numbers of their fellow-countrymen were placed. He thought they forgot the absolute necessity that existed in the present time of making the greatest exertions to remove this spiritual destitution. He was willing to go much further than his hon. Friend the Member for Montrose, because he believed that the highest duty of the State was to see that the people were taught that religion which it was their glory to profess. He had heard with great regret that large sums were received by gentlemen who did nothing, in a spiritual point of view, in return; and he trusted that, ere long, the whole subject would undergo a strict investigation and revision.

Mr. HENLEY thought that the hon. Gentleman who had just sat down had carried his notion of trusteeship much too far. The hon. Gentleman had gone not only the length of saying that the incomes of the Church were trust property, but he seemed to be of opinion that the State had the right to see the trust properly performed, and actually to say what that trust was. He thought that there was a great distinction between the two propositions. If he assented to the latter, he should be almost inclined to support the principle that they could do what they liked with such property. Now he had always found great difficulty in assenting to the first proposition; and that difficulty was in no wise removed by what the hon. Gentleman had said. Another extraordinary proposition was made by the hon. Gentleman opposite, who found fault with the Dean of Christchurch for being deficient in what he considers his feeding qualities. The hon. Gentleman blamed him because he did not come up to his view of a scientific dean. Well, but he had gone further—he favoured the House with his definition of science; and what was it? Why, the giving a good breakfast to a great many hungry *savans.* If the dean happened to give a good breakfast, he was, in the hon. Gentleman's estimation, a scientific man. By the same course of reasoning he supposed that, if he had employed a French cook, and had given them a good dinner, he would be pious into the bargain. That was the hon. Member's notion of science and piety. After giving due consideration to the case made out by the hon. Member for Cockermouth, he must say that he was not convinced of the necessity or the justice of the Motion with which the hon. Member concluded. He did not see any great practical good that could result from this matter. He was sure that if the members of the Church did not perform their duty, the hon. Member would keep a sharp eye upon them, and would no doubt bring their delinquencies before the House.

Mr. HORSMAN replied: The noble Lord had said, he might be led to suppose, from what he (Mr. Horsman) had said, that cathedral establishments were useless and even injurious to religion. What he had said, however, was, that these establishments, which had been endowed in former times with great possessions, and had it in their power to render great services, were, as now administered, hurtful to religion. Those words, "as now administered," the noble Lord had altogether omitted. Not a syllable had fallen from him about curtailing the incomes of these establishments, or in the slightest degree reflecting upon them as useless institutions. On the contrary, the more he admired and valued them for past times, the greater his regret at their present decay, and the greater his desire to restore them to high and holy uses. He had felt, and still continued to feel, that the more valuable those institutions might be made, the greater was the shame of allowing them to be abused and diverted from the good objects for which they were founded. He had not said a word about the salaries being too large, but he had said that duties ought to be allotted to them. The hon. and gallant Member for Lincoln had spoken of the authority on which he (Mr. Horsman) had made his statements. He could assure that hon. Member that he had not made any statement for which he was not prepared to state his authority. He had had communications from clergymen in the neighbourhood of Lincoln, and he had tested their representations, and, in short, he had never made any statement but upon the best authority. The noble Lord had not dealt quite fairly by him in saying that he misstated the law as to the restriction of the patronage of the bishops; and the noble Lord had read part of the Act of Parliament to prove that they might bestow their livings on any clergyman of a certain standing in the diocese. But he (Mr. Horsman) spoke of the recommendation of the Commissioners; and that recommendation which he (Mr. Horsman) read to the House did not contain the additional words which the noble Lord had read to the House, and which was inserted in the Bill while it was passing through Parliament. After replying to some other objections made by Mr. Goulburn and Lord John Russell, the hon. Member said, that after what had fallen from the noble Lord, namely, that without going the full length of issuing a Commission of Inquiry, he admitted the necessity for inquiry, and was ready to institute it, though not in the precise shape he proposed, if he correctly understood the noble Lord to give this pledge—believing that it was given in good faith and would be fully acted up to—he should not be justified in pressing for the inquiry in the shape he had proposed, and he would not trouble the House to divide on his Motion—Motion withdrawn.

FOREIGN POLICY.

Mr. URQUHART: Sir, I feel how difficult it is to transfer attention from subjects of that character which we have just been discussing, to those remote, distant, and abstract ones, which I venture to submit. I regret, Sir, that no one powerful by talents, authority, and experience, is found to appear before you on so great an occasion. It is not in presumption that I venture to approach this subject, but because there is no one else, and I shall therefore present my case in the simplest form and in the shortest space. Since my notice was placed upon the books, events have happened to render my task somewhat less difficult. An incident in the west of Europe has brought before the mind of every reflecting being in this country the insecurity connected with the conduct of our foreign relations; and so recently as yesterday, a manifestation of public feeling in Paris, in respect to Poland points to the real source of Europe's danger, and proves the impossibility even of internal repose throughout the States of Europe, so long as that great secular crime, the extinction of Poland, is not avenged and redressed. Two propositions are involved in the statement I shall have to make. The first, that we have neglected that portion of our public affairs which alone is left to the Government, and therefore to this House, to manage. The second, that in consequence of that neglect, another Power more astute than ourselves has acquired an ascendancy, which, if unchecked, will ultimately bring on Europe the fate which has befallen that chivalrous State, so long and idly designated Europe's bulwark. The resolution of which I had given notice was an abstract one; but I propose to give to it a more substantive form, and I shall therefore conclude with a Motion for Papers, which I suppose there will be no difficulty in granting. My reason for doing so is, that I shall be following the example, and reviving the attempt or rather resuming the Motion which was made in the year 1834 by the right hon. Gentleman the Member for Dungarvon (Mr. Sheil), then Member for Tipperary, who at that time sought to obtain the papers connected with the Treaty of Unkiar Skelessi, by which the power of Russia was so enormously advanced in the east of Europe, and her domination in the Euxine secured. I shall further ask for the papers connected with recent transactions between Denmark and Prussia, by which her ascendancy is about to be established over the Baltic. When the Motion of 1834, which I propose to renew, was made, this House contained Members alive to the danger which it seems I am now left alone to warn you against. There were such men as the hon. and learned Member for Tipperary, who may perhaps by some process which I do not comprehend, be able to reconcile himself with the right hon. Member for Dungarvon, and whose genius, then embracing the world, had not confined itself to the exclusive culture of a vineyard at Chelsea—[Mr. Sheil: Greenwich]—of a vineyard at Greenwich, or a farm on Tower Hill. There was Mr. Cutlar Fergusson, Mr. O'Connell, Mr. Patrick Stewart, and Mr. Gally Knight, now no more; there were others no longer Members of this House, Mr. Attwood, Sir S. Canning, and I may add even Mr. Bulwer: there were other hon. Gentlemen then, as now, Members of this House, whose voices are no longer heard—the gallant Member for Westminster, the noble Member for Marylebone, who in this Parliament, by what fascination I know not, has not as yet opened his mouth on the subject of Poland. These and many more then weighed upon the noble Lord opposite (Lord Palmerston) whether in private by entreaty, or in public by argument and denunciation, striving to arrest him in his course, and to recover the country from the delusions which associated it with its own enemy and the enemy of Europe. These hon. Members have all disappeared, or have been charmed into silence in this House, or into co-operation with the noble Lord. And in bringing forward such a cause, my first feeling is that of humiliation for my country at its falling into such hands as mine. Yet am I strengthened rather than dismayed by the apostacy of this day, compared with fourteen years ago. Their words are of record, not refuted but confirmed by the results, and the misfortunes which their efforts and warnings have failed to avert. Now, when I look around this assembly, I see but indifference, or contempt, or hostility; and I confess that it is an arduous task to meet at once the authority of open foes and the prejudice of misdirected opinion. I cannot hope for favour, and dare not ask, however I may require, indulgence; but I must claim at least justice—the justice of a moment of your attention. This matter is not an abstract one, it is most practical. A just conclusion of this House expressed upon any one foreign question, turns the current of our public policy; a single vote may recover this country from being the ally of Russia, and thereby the enemy of every other State, and of itself; and if I fail in obtaining such a result, at all events it is something that there should be one protesting voice raised from time to time against evil in its pride, and some words of warning dropped in its progress. Sir, little is required. If this House would be content to give to these subjects the attention which it gives to a railway enterprise; if it would be content to give the same attention to the affairs of the whole State, that it refuses not to the minutest private enterprise, no possible injury could accrue from any of those causes which we are at present considering. My judgment deliberately formed on a branch of the public interests, to which I have devoted my time and my undivided attention, is, that if a small amount of attention were given to foreign matters, there could thence accrue neither danger nor embarrassment, and that the world would present to England only fields from which to reap glory, prosperity, and security. I must beg first to call the attention of the House to a most important and alarming change recently made in the public affairs of nations, and therefore in their judgments. The habit I refer to, is that of governing foreign States. What, Sir, can be more monstrous—what ought to be more incomprehensible—than that a Minister sitting upon the bench opposite, is to be enabled to exercise in Spain or in Greece, Portugal, or Sicily, or Turkey, powers which he could not pretend to here in England where he is Minister—that he should in those countries decide upon who is—and who is not to be Minister—nay, who is and who is not to be Sovereign? Are you aware that when you have made a Minister in England, you have given a dictator to Spain or some other country? Are you aware that one of your Ministers here, under constitutional control, is, abroad, relieved from all such control, and can do with foreign States what he likes?—that he is protected by the perfect ignorance, not merely of this country, but of his very Colleagues; and that this despotism in foreign countries is exercised with no rule but his own will, and no measure but his own caprice? This is the extraordinary position into which you have brought Europe. Over it you have established an extra-national Government deciding by conclaves, or rather conspiracies, adjudicating by despatches, arbitrating by protocols, and deciding upon the fate of nations without their will, and without power upon our part granted to exercise such authority over ourselves or others. Here I signalise to you, and to this House—I signalise to this great country an extraordinary change, and a fatal habit. I warn you of its consequences—inextricable confusion in all affairs: that result is now before you on a gigantic scale—universal hatred against this country as the prop of this system, the most opposite to its wishes, feelings, laws, and interests. I further warn you that this extra-national mode of governing is dangerous to internal liberty, by rendering us indifferent to what is right and wrong—to what is just and unjust. It was remarked by Akenside, that "no people ever suffered in its liberties at home until it had lent itself to violate the liberties of others abroad." For such acts retribution must come. Nor are they less heinous because England of all countries is that which is the most indifferent to foreign matters, and knows, in fact, nothing about what she herself does. The noble Lord, in Opposition, denounced the heedlessness by which he at present profits: his reproach to England was, that she "learnt the acts which she had performed only by vague rumours which reached her from distant lands." Now, Sir, the origin of all this is no other than that association of the most unparalleled usurpation over the rights of nations, and blasphemous perversion of the language of Scripture, called the Holy Alliance. In order that the character of this conspiracy of despots which England once denounced, and now imitates may be appreciated, I will read you an article in this compact:—

> "Austria, Russia, and Prussia confess that the Christian nation (nation!) of which they and their people form part, has, in truth, no other Sovereign than Him to whom alone belongs power, because in Him alone are found the treasures of love, knowledge, and infinite wisdom, that is to say, God our Divine Saviour, Jesus Christ, the Word of the Most High, the Word of Life."

These were the terms of the treaty under which the Three Sovereigns were to manage Europe—such the pretext put forward—at least equal to those now advanced by the noble Lord for interfering in the affairs of Spain. What was then the conduct of England? I beg to call the attention of the House to this point, because it is by contrasting it with what we now see that you will be able to discern whether I am right in asserting that England has been the foremost in doing those things which she herself was formerly the first to condemn and to repudiate. In a circular to the representatives of Great Britain abroad, Lord Castlereagh thus informed them of the views of the English Government in reference to the pretensions of its Allies:—

> "The Government of Her Majesty does not believe that, according to existing treaties, the Allies have the right to assume any general powers of this kind; still less does it believe that they can assume such extraordinary powers in virtue of any new diplomatic transaction between the Allied Courts, assuming a supremacy incompatible with the rights of other States."

The English nation, in 1815, was under no reforming mania; its sympathies were the other way—the Administration was high Tory; the Foreign Minister supposed to be somewhat too prone to listen to the whispers of foreign Cabinets, and more disposed than befitted an English statesman to pay his court to foreign potentates. The Prince Regent was so strongly biassed in the same sense, that he attempted to induce his Ministry to make England a party to the Holy Alliance. But these dispositions in these times failed before the law and the constitution. England, while the Powers were holding their conferences at Aix-la-Chapelle, Carltsbad, Troppan, Layback, and Verona, kept (excepting at the last) aloof, and protested against the measures suggested at this last, as she did against the measures taken, or the pretensions declared, at the former ones. France, though similarly situated in a constitutional point of view, followed not her example. She surrendered her constitutional existence into the hands of the conclave, and hence the present difference of the two countries at this hour. We, preserving then our laws, have now preserved our Crown: France, giving up her liberties, has known, and can know, henceforth, no repose. The historian of French diplomacy, Mr. Bignon calls that act—the accession of France to the Alliance—"the destruction of the basis of representative government, Ministerial responsibility." He, versed in affairs, knew that when a Minister could arrange matters with a foreign State, he escaped from all responsibility at home, and he knew the consequences which must ensue from such a state of things in a constitutional country: that result is before us. Of England he thus speaks, contrasting her with France:—

> "The regret expressed by the Prince Regent that he could not become a party to the Alliance, in consequence of the principles of the British Constitution, which are opposed to it, together with the discussions in Parliament, are honourable monuments both of the vigilance of Parliament, and of the Prince's respect for the law. The existence of a representative Government in France appeared to render the position of the French monarch the same as that of the Prince Regent of England."

And again, in reprobation of the declaration of Troppau, Bignon says:—

> "It was necessary for the honour of the English Ministry to make their nation and Europe aware, that they had never recognised, as basis of the treaties in which they had taken part, maxims diametrically opposed to the fundamental laws of Great Britain."

Now, what was it in the Holy Alliance which was so repugnant to the feelings of this nation, and so incompatible with its constitution? Simply the taking maxims of Government as the occasion of interference in Foreign States. England and its Administration were not opposed to legitimacy in itself; the Tory maxims prevailed. Reform was repudiated in Parliament; a Reformer among the people was an object of aversion. England was anti-liberal, anti-revolutionary; her feelings were in favour of the principles professed by the Holy Alliance; but her sense of justice and honour were against the use of unhallowed and unlawful means to attain such an end. She was then Christian enough to observe the first rule of Christian morals; and, not being prepared to endure interference in her own affairs, she would not inflict it on others. Now, then, let us come to our recent practice. I will content myself with the declaration recently made in another place by the President of the Council. We are informed that "the object of the Quadruple Treaty was to promote constitutional principles." What, then, is the difference between you and the Holy Alliance? Where do you stand as compared with the England of 1815? You have gone right round, and you are unconscious of it. Has the law of England been changed? Either then you are violating the law in 1848, or you entirely mistook it in 1815. If you were then misinformed of the law, repudiate that error. If not, repudiate your acts. Let the Minister of the Crown come down and tell us, we were all wrong about the Holy Alliance. It is our right and duty to interfere in the Governments of the other States of Europe; the principle of intervention is sound and sacred, and therefore is it that England is foremost to set the example of enforcing it. If not, is it not our part to enforce against him those maxims which he once so vigorously proclaimed? But who prompted the Holy Alliance? Russia. Has she principles to advance? No; she has ends to attain—the principles were then the cloak; they were a pretext only—gain, at the expense of her dupes, was her object, and their principles afforded her the means of securing it. We are the soul of the counter-Alliance, or rather of the counterpart of the Alliance. Have we ends? No; we have principles: therefore our principles serve just as much as the opposing principles to secure her ends. Do you doubt that the Holy Alliance was her work? It is matter of history that that Treaty came from St. Petersburg, just as much as the Treaty signed at Unkiar Skelessi in 1833, and the Treaties signed in London, July 15th, 1840, and July 13th, 1841. Her two Allies, Prussia and Austria, first adhered to the Holy Alliance, then France two months later, the Duke de Richelieu, her creature, being Minister. Afterwards, in June, 1816, Holland, and in December of the same year, Switzerland—the historian I have already quoted says of the first that it acceded "at the instigation of the Russian Minister;" and of the second, "in consequence of repeated notes from the Russian Minister." All these States have had their reward. Russia, therefore, was the source of this first extra-national Government. Then comes an association in which you and she combined for the affairs of the East. You appeared to be the soul of it; but the Treaty of the 6th of July, 1826, came like the rest from St. Petersburgh. Then came the Quadruple Treaty for Spain in 1834; apparently directed against her. Thus was every field drawn within the vortex of these extra-national systems; and each spot of Europe furnished the occasion of action, and thereby a source of crime and disunion. These conclaves being thus formed by your aid, what was the character of the Government which you have admitted in common with yourselves to dictate in Europe? It is one wholly unlike you in opinions, character, and purposes. I shall endeavour to show you how little you can comprehend that Government. Suppose the right hon. Gentleman (Sir Charles Wood) were a Frenchman; his neighbour (Mr. Sheil) a Greek; the noble Lord (Lord John Russell) a German; and the noble Lord (Lord Palmerston) a Russian; would not England be truly alarming to France, Russia, and every other Power? If the leader of the people and the nobles of the land resigned the high distinction of power to confer them on strangers, renegades, traitors drawn from the four corners of the earth, with the sole condition of talent, and with the common character of unscrupulousness, banded to advance the objects of their adopted country at the expense of their own countries which they had betrayed—would not England justly excite the alarms of her neighbours, and the abhorrence of the human race? But also having assembled such an array of intellectual power, might she not, after a time, if not put down, overreach the penetration, and set to sleep the watchfulness of her compeers? How unlike to England is the picture I draw!—it is that of Russia. Such is the Power which at this present moment, alone with England, remains unshaken by the convulsions which have overthrown all the dynasties and the systems of Europe; and this then is the moment when, if ever such inquiry were requisite, it behoves us to consider the Government with which we have to deal, knowing that Europe now must be absolutely in her hands or in ours—in hers to secure it for herself, or in ours to rescue it from her. Before we can examine the acts of an antagonist, we must understand his character. Russia is pourtrayed by the right hon. Gentleman (Mr. Sheil) opposite as a

> —"Power which has gathered all the profligate nobility of Europe together, in order to compound a cabinet of Machiavelian mercenaries to maintain the cause of slavery throughout the world."

The whole passage is as follows:—

> "There must be a strange inconsistency in publishing all the enormous answers to protocols respecting Belgium, where the transaction is as yet incomplete, and in refusing to furnish anything but materials for surmise on this treaty (Unkiar Skelessi). Ponderous folios of fruitless negotiations on the affairs of Belgium have been given to the world. Let the Government act upon the principle adopted in that case, and give the English people the means of forming a judgment of the policy which His Majesty's Ministers have adopted in a question where the national honour and interest are so deeply involved. It may be said, 'Trust in the Minister. Be sure that he will not desert his duty, or acquiesce in any measure incompatible with the honour of England.' I should be disposed to do so when I take into account that the Secretary for Foreign Affairs was a political follower of Mr. Canning, who considered the interests and the honour of

England as so closely blended; and although the noble Lord may have abandoned the opinions on domestic policy which were entertained by Mr. Canning, where he was in the wrong, it is to be presumed that he adheres with a closer tenacity to those opinions in foreign policy where Mr. Canning was in the right. But this ground of confidence in the noble Lord is modified, if not countervailed by the recollection, that in many recent transactions he has been baffled by that Power which has gathered all the profligate nobility of Europe together, in order to compound a cabinet of Machiavelian mercenaries to maintain the cause of slavery throughout the world. Look at Belgium—look at the Russian-Dutch loan. The noble Lord, although guided by the Prince of Benevento, has lost his way in the labyrinth which Russia has prepared for him and Poland. 'We shall,' he exclaimed, 'remonstrate.' He did remonstrate, and despatched Lord Durham to St. Petersburgh (why was not Sir Stratford Canning there?) and what has been the result?"

On that occasion the right hon. Gentleman was seconded by the present Ambassador at Madrid, Mr. Bulwer, who, following in the same strain, did not conceal his apprehensions, that the noble Lord was no match for the "diplomacy of the Russian Court." It is clear then, Sir, that the question of the component parts of the Cabinet of Russia is one of the deepest interest, and there is a host of high authorities for the supposition—in which I do not concur—that the noble Lord (Lord Palmerston) is no match for that Cabinet. I may be permitted to quote in confirmation of the opinion of the right hon. Gentleman the words of one who struggled most to resist the advance of this barbarian into Europe, I mean Gustavius III. of Sweden. I hold in my hand a little work, entitled *Danger to the Political Balance of Europe*, which he thus illustrates:—

"A kingdom almost unknown in Europe during the last century, and gradually aggrandised at the expense of all her neighbours, whose civilisation contributed only to make conquests, has menaced for forty years the political balance of power; Sweden, Poland, Turkey, Prussia, and Germany, have experienced the effects of her enterprising spirit. All the Courts of Europe had experienced her insolence before that tragedy to which Catherine II. owed her elevation to the throne.

"Since that period, from the Caspian Sea to the Straits of Gibraltar, there is no country of which Russia has not disturbed the tranquillity, or alarmed the precaution: every year has produced new designs, which arose evidently from one general plan; and their execution has found no other obstacle than than that which has arisen from the revenues of that empire, which were often stretched so far as to need a temporary repose from the abuse of power, and the prodigality of Government; but her exhausted revenues have not created the security of other States, for the hand of power, tired with the exertions of open violence, prepared for them a war not less dangerous—a war of negotiations. Ceasing to become the prey of the sword, they had still to encounter her artifices, her intrigues, and negotiations. Europe presented a theatre of divisions, of troubles, and disorders, of which the springs and machines were fabricated at St. Petersburg; at length, after having excited Power against Power, and interest against interest, in the neighbouring States, the Empress of Russia predominated alone in that vast anarchy, dictated laws through her ambassadors, and prevented all combinations of resistance.

"This portrait is engraved from a faithful representation of the last twenty years' history of the North and of the Levant—Europe has seen at one time, the Ottoman Porte menaced with an invasion, of which, Asia herself might apprehend the consequences: her tributaries corrupted, her allies bribed or intimidated, the Crimea enslaved. Sweden under the yoke of a faction, subservient to Russia, a faction discomfited without being altogether subdued, and reviving by the same protection which has plunged that kingdom into a universal decline. Poland equally punished from the defects of her constitution, devoured by Russian troops, enslaved, dismembered—treated in every light as a Russian province—Courland reduced to the lowest state. The councils of Denmark governed by the same influence. Prussia insulted in the midst of two vast empires, whose masked batteries could play on the first alarm upon the great protector of the Germanic liberties—the rest of Europe tranquil and indifferent, acting the part of a spectator, but not that of an arbiter."

Observe, that this is written for the purpose of awakening Poland, and Sweden, and Turkey, to a sense of their danger; and since then, what has happened? See if this danger, then visionary, has not now become real—see if events have falsified his words? He was a prophet, because he was treated as a visionary, and those who now announce to you similar consequences will find their words to be prophetic if you continue to deal with them as dreamers. He ends thus:—

"Such are the historical features of the present time of which all Europe is a witness. Her kings have viewed, perhaps, with too much indifference, the progress of this enterprising policy by which the laws of nations have been annulled, the faith of treaties has disappeared, and the abuse of power has countenanced usurpation. This vast empire, which for twenty years has spread terror, corruption, despotism, and war, embraces all varieties of climate, and comprehends every species of resource. Seas inaccessible to European fleets; deserts or enslaved countries are her frontiers; hitherto impressions upon her territory have been hastily deemed impracticable. While her adversaries remain upon the defensive, swarms of undisciplined savages emigrate from their habitations, and destroy extensive countries in a campaign. Prussia and Poland still bleed from those ravages, when troops which are mowed down without being subdued are animated by pillage, by fanaticism, or by the ambition of their sovereign, who in losing soldiers only loses slaves. Wo to those States which border upon this destructive Power!

> "Peace must be purchased by sacrifices, or secured by preparations commensurate to the danger. Russia menaces at the same time Turkey, the North, and Germany: the reduction of the one, would accelerate the conquest of the others. Solitary resistance is vain against an empire which can produce soldiers like grains of sand, whose policy has no other principles than those of interest, and whose bold maxims correspond with that fortune which has so long favoured her projects."

Sir, the projects of Russia have been successful through the means which are here described; they are not less so now. But there is the difference between that time and this—that then monarchs strove, and statesmen denounced—that nations cared, and public opinion, now absorbed in the minutest matters, and distracted by the plainest, did then exercise itself upon the gravest and most important: on the other hand, the evil which was not arrested, is now accelerated by an accumulating load of triumphs, and by the diminution of the means of resistance that Europe can command. I cannot allow the testimony of Gustavus III. to pass without adding to it one not less weighty, and nearer to our time. Napoleon thus speaks:—

> "When Paul was so violent against you (meaning England) he sent to me for a plan to invade India. I sent him one, with instructions in detail. (Here Napoleon showed me on a map the routes, and the different points whence the army was to have proceeded.) From a port in the Caspian Sea, he was to have marched on India. 'Russia,' continued he, 'must either fall, or aggrandize herself; and it is natural to suppose that the latter will take place. The Cossacks, Calmucks, and other barbarians who have accompanied the Russians into France, and other parts of Europe, having once acquired a taste for the luxuries of the south, will carry back to their deserts the remembrance of places where they had such fine women, fine living, and not only will not themselves be able to endure their own barbarous and sterile regions, but will communicate to their neighbours a desire to conquer these delicious countries. What I say to you, is confirmed by the history of all ages, during which it has been invariably observed, that whenever those barbarians had once got a taste of the south of Europe, they always returned to attempt new conquests and ravages, and have finally succeeded in making themselves masters of the country. It is natural to man to desire to better his condition; and those canaille when they contrast their own deserts with the fine provinces they have left, will always have an itching after the latter, well knowing also that no nation will retaliate or attempt to take their deserts from them. Those canaille' (continued he) 'possess all the requisites for conquest. They are brave, active, patient of bad living and fatigue, poor, and desirous of enriching themselves. I think, however, that all depends upon Poland. If Alexander succeeds in incorporating Poland with Russia, that is to say, in perfectly reconciling the Poles to the Russian Government, and not merely subduing the country, he has gained the greatest step towards subduing India.'"

Sir, I think it will not be questioned that I am stating no proposition in the air, but a simple fact, when I say that Russia is a Power dangerous to England, and dangerous to Europe. Then comes the question—"Have you been, as best you could, striving to prevent her interfering in the affairs of Europe?" You have not. You have been leading her on by the hand, and you have been committing yourselves such acts as deprive you of all power of remonstrance against her, and in such a manner as to throw other States for protection into her arms. This Sir, is my case. It is that of misconduct in face of an enemy —proved at the critical moment of a campaign. It is, that your leaders have mistaken that enemy's strength, position, and manœuvres, and have been betrayed into aiding his designs. This has happened, because you did not know that you had an enemy. You did not know that a struggle was going on, or that you had forces engaged, or a stake in the engagement. What I have advanced you may disregard, but you cannot gainsay: considering these points as established, I now proceed to the application. Sir, a convulsion in Europe has brought us back at once to the two great epochs of cotemporaneous history, that is to say, to 1815 and 1830. The Treaty of Vienna is swept away, together with the dynasty of France. Poland then recurs, at one and the same time, under the aspect she presented at the close of the war, and that which she presented after the Revolution of July. Here then is the occasion for us to secure what we attempted to secure by her constitution in 1815, and to reverse the catastrophe we deplored in 1830—or it will be the occasion for Russia to complete the triumphs of 1815 and 1830; and to make Poland the sword with which to smite Europe, as she must be, if not the buckler for her defence. If the Treaty of Vienna was requisite—if it was our duty by that treaty to obtain a barrier against Russia—if in 1830 we suffered in the sacrifice of that barrier, yet professed that it would revive—in what position are we to-day, when on the one hand the Treaty of Vienna and all its consequences are swept away, and on the other hand, on the occasion of a revolution in France, and in Europe, Poland remains black and alone uninflammable amid the conflagration? If England remains passive—I will not say if she gives as usual her hand to Russia; but if she merely remains inert—this great convulsion, the product of Russia's past secret labours, will be the commencement of the era of her visible intervention and direct control over the dissolved and disordered States of Christendom. But, Sir, we will not remain inert: we will be busy—not to thwart, but to aid her. I appeal to the past: what did we do on the last revolution in Poland? We aided Russia: we alone destroyed Poland. If the Government of England had to the best of its ability supported Poland, and thereby endeavoured to rescue this Government from blame, and Europe from danger, we might confide, or at least remain as heretofore indifferent. Had we remained ignorant of our Government's acts, there might even then be some excuse for heedlessness; but we have learnt the fearful truth which I have just declared, by discussions which have occurred in this House, and by the quotation of documents, the authenticity of which was not before established. I must beg the indulgence of the House, whilst I quote documentary evidence of what I assert, when the fortunes of Poland and Russia were poising—when one word on the part of England or France would have brought the fall not of Poland, but of Russia—the Austrian Government was ready to concert with England and France to save Poland. France was not disinclined. The answer of the English Cabinet was widely different. This statement is from Louis Blanc: he says in the *Histoire de Dix Ans*:—

> "The Consul of Austria had not quitted Warsaw. He gave the Polish Government to understand that Austria was not disinclined to assist in the re-establishment of Polish nationality, and even to contribute thereto by the abandonment of Galicia, but upon two conditions: the first, that Poland would accept for King an Austrian Prince; the second, 'that this proposition should be made conjointly by France and England.' M. Walewski was despatched to sound the disposition of the Cabinet of the Tuileries and that of St. James's. He arrived at Paris in the beginning of March, that is to say, at the moment when the ministry of M. Lafitte gave place to that of M. Casimir Perier. The Palais Royal did not reject the overtures of Austria, but simply declared that 'it was ready to join England, if England would consent to the project.' M. Walewski then proceeded to London; but the answer of the British Cabinet was 'widely different from that of the French.' Lord Palmerston avowed 'without reserve,' that France and 'no other Power' was the object of the 'distrust and fears of England'—that 'His Britannic Majesty entertained most friendly relations, which he was in nowise inclined to disturb, with St. Petersburgh'—that he 'would not consent' to unite his efforts with those of the King of France 'in an object hostile or disagreeable to Russia.'"

I give this passage for what it is worth: it is there with the names of the parties, these being official persons, one of them the Minister of the French Government; the others, men sufficiently well known. Shortly afterwards, upon expectations being held out of some concert on the part of this country with France to support Poland, overtures appear to have been made by the French Government to the noble Lord opposite; and the following is an extract from his reply:—

> "That an amicable intermediation on the Polish question would be declined by Russia—that the Powers had just declined a similar offer on the part of France—that the intervention of the two Courts, France and England, could only be by force in case of a refusal on the part of Russia—and that the amicable and satisfactory relations between the Cabinet of St. James and the Cabinet of St. Petersburgh, would not allow His Britannic Majesty to undertake such an interference. The time was not yet come to undertake such a plan with success against the will of a Sovereign whose rights were indisputable. But in the meantime His Britannic Majesty has instructed his Minister at St. Petersburgh to insist upon the national existence of Poland according to the Treaty of Vienna, and the maintenance of her national institutions."

Had it at that time been known in this House that the English Government was not desirous to maintain Poland—had it not been supposed that every effort would be made by the Government and the noble Lord at the head of the Foreign Department—had they not trusted in this belief, Poland would not have fallen? Would the noble Lord have dared to avow in this place in 1831, that the rights of the Emperor were just and indubitable? Many who hear me will recollect that "the noble Lord's morbid irritability was excited against Russia," and that his Colleagues could not keep him decently civil with the Russian Ambassador. If, in 1831, the English Government, professing the most direct hostility to Russia—professing the most ardent and zealous co-operation with France—did afford to Russia, for the purpose of completing and effectuating the subjugation of Poland, its secret support—if I say, that is the fact—and that it is the fact there can be no manner of question—is it not certain that whatever occasion is now presented for the British Minister either to crush Poland or any other State, and to aid Russia, will not be used as in 1830, and that he will prevent every chance of the recovery of that life in 1848, which he extinguished in 1830? In Germany the first impulse was the restoration of Poland —the promise of the King of Prussia upon the barricades was the reconstruction of a Polish nationality: was it not in England's power to have directed this impulse to the accomplishment of the object? But, soon diverted from this object, the Germans have been set afloat upon a scheme of emancipation of their language and race, to lose thereby in the end their present institutions whatever these might be worth. How has this been effected? England had guaranteed the duchies to Denmark: a word from England, either as pointing to the real danger and the mode of averting it, or as signifying the determination of England to prevent the piratical and absurd attempts on the duchies, must have stopped at once this sore. Here not a word is uttered, or only such words as to encourage Prussia, and to call forth the commendations of her Minister. Here our diplomacy in defiance of the most solemn treaties—in face of the most important interests compromised by the most violent act—is mute and motionless. It reserves its activity for Madrid: there, without occasion, and with everything in our hands, we can contrive an insult to throw that country into the arms of France. [Mr. COCKBURN: Question, question!] Are we not considering the conduct of the affairs of England abroad? and is a reference to a recent occurrence, in which England had offered an unmerited and ungenerous insult, and has been constrained to sit down under a bitter indignity—an indignity such as she or no nation ever endured before—not relevant to the question? Is a transaction which explains another not to the question, although the one happens in Poland, and the other in the Peninsula? The quarrel in Denmark is that which has carried the mind of Germany away from the restoration of Poland, which was the only safeguard for its own future independence; and it has in this House been admitted that the treaty of guarantee binds us to support Denmark in the possession of those duchies against any invasion; and we have upon one occasion exercised that power for the purpose of preventing an attack upon the part of Russia. On the present occasion we do nothing of the kind; and while in the same breath the noble Lord opposite, the Minister for Foreign Affairs, states in this House that it is desirable that England should know, and that the world should know, what England's engagements are, he says that no *casus fœderis* has arisen; he expresses himself in a way to encourage both the parties; he will first lead them on, and then open the way, as usual, to the intervention of Russia, as mediatrix—that is, as patron: supreme in the Baltic, she will have a handle for reaction in, or invasion, of Prussia. This diversion of the mind of Germany from that object to which it was directed—the restoration of Poland—has been chiefly owing to the Danish quarrel, which never could have arisen had that treaty been fulfilled by England. The inaction of the noble Lord is directed to the same end as his activity. We have received intelligence this day of a demonstration at Paris, in favour of Poland, which many may consider merely an extravagance of popular feeling, or a pretext of ambitious men, but which I, having long watched and duly appreciated the amount of attachment which exists throughout the whole of France to the Polish cause, am perfectly satisfied is real and sincere. The Governments of France have all fallen from the effects of foreign policy: they have fallen successively by the neglect of that which alone can give peace to Europe, namely, the salvation and restoration of Poland. The noble Lord (Viscount Palmerston) has laboured, and with success, to overthrow the late dynasty in France. I had predicted what he has accomplished. Spain was the gulf which he had prepared for Louis Philippe, and into which he dragged him. The instant the deed was done, in exultation the words burst from his lips—"*Pyreneos transiit.*" The words were not uttered by the noble Lord in this House, but they appeared in his organ. Having upset one system in France, will he spare the next? No. Already is his purpose laid bare in the correspondence with Spain which has recently been published. He will divert the French Government in like manner, from Poland, and tempt it into Spain by the irritation which he will have aroused in Spain against England. I repeat it from this spot. I warn the French Government, that if it does not labour for, and ensure the restoration of Poland, it will fall like its predecessors from the foreign embarrassments with which it is unwilling to cope, and the internal dissatisfaction which it wll be unable to subdue. England now stands in Europe alone, with Russia; supposing we had taken the course which our natural instinct would have suggested—which at all events the security of ourselves and of Europe required, namely, the restoration of Poland—what would have been the effect upon the new Government of France—what would have been the effect upon Germany? Would not France have been immediately bound to England to support in Poland, and elsewhere, her policy? Would not Germany have had its longings turned into a definite, and just, and useful purpose; and must not such a movement have impelled the Powers—sharers in the spoils of Poland—to disgorge those fragments? By the secret action of England in 1830, Poland was lost; she is so lost as to be unable now to seize a spark from the conflagration around her; but by the open action of England in 1848 she might have been restored. Poland is the link between England and France. If we suffer her to be destroyed, the possibility of any concert or friendship must utterly vanish. In this consists the difference in our policy in the East and in the West. Whatever dangers we may be menaced with in the East, the presence and the profits of Russia must always rally England and France, and make them conscious of their common interests by their common danger. Not so in the West. It is in Spain that the arena for the deadly feud will be opened; for there Russia, who has pushed them on, will not herself appear; and their jealousies, their rivalries, their ambition, and their hates will fasten on each other. When you have allowed Poland to be utterly trampled on and incorporated with Russia; when you have obtained that result from Poland's fall which Napoleon foresaw—danger to India, or its loss—you will also be prepared for that fatal and bootless struggle for which Spain presents the field. Poland is doubly the link and the safety of both; and the enemy of Europe has therefore the double purpose and the double means of diverting from the North your action, which would then be useful and conjoint, to the West, where it must inevitably become contest, collision, and destruction between yourselves. It is not in Poland alone, but in every other country, that the Foreign Minister declares England and Russia to be united. It was declared in 1836, by the British Ambassador at St. Petersburgh, that the union of England and Russia, was to maintain the peace of the world. We have been united with Russia in respect to Greece. In respect to Turkey, the head of the Foreign Department had declared that there was no possibility of any suspicion attaching to the motives of the Czar. We were united in respect to Persia, and by that union we have brought Persia into dependance upon Russia. The Foreign Department of this country is conducted upon the basis that the interests of Russia and England are alike; that they are one; that their conduct is one; and that the peace of the world depends upon their union. Now, Sir, if this be true, what is the value of those authorities which I have quoted? I imagine that the authorities I have quoted are not to be contradicted or controverted. I imagine that the fact is before us, that the ends of Russia are undoubted. The Minister of this country, after ten years of apparently continuous efforts to oppose her, now turns round and declares that he is united with her, and that England and she are one. I say that if this is so, let it be publicly proclaimed; if this is to be the rule of our conduct, let it be adopted openly and formally. If England and Russia are one, of course, then, I have nothing to say: the Motion of which I have given notice is perfectly absurd; but if the interests of England and Russia are not one, then is that Motion of the last importance. Let not this House take its own heedlessness as the measure of danger. Danger can accrue only from neglect. We have no territorial frontier—we have triumphed in the last war; therefore are we without the distinct sense of nationality and the alarms of other nations; but I do beg hon. Members to consider whether or not the occupying a great station in the world does not impose corresponding duties? Can you hold dominions, east, west, north, and south, and yet be occupied constantly and exclusively in home concerns? I ask whether you can safely exclude every consideration, in whatever form it be introduced, which bears on matters beyond the limits of our own domestic concerns? I ask whether you can pass from one class of doctrine to another—from one course of conduct to another—without the sense of insecurity remaining attached to all your judgments? If you find that while the country is indifferent and heedless of anything that is done abroad, those who manage for you are excessively busy, surely the time has come for you, if a free people, or a wise one, to exercise your judgment and your rights. The object which I have had at present is to draw the attention of the House to the vast increase which recent events have given to the facilities for the destruction or for the salvation of Europe: that England the preserver, and Russia the destroyer, alone of the old Governments stand erect, and that these facilities Russia will employ for her ends if England does not use them for her own: that the one or the other result wholly consists in the reversing or the maintaining of that great European crime, the suppression of the existence of Poland, which has inoculated on the parties and the assenters the necessity of a continuous perpetration of fresh crimes for its defence or its excuse; and I afford to the House the opportunity of determining whether under these altered circumstances it is content to see the Cabinet and the Ministers of England—to use the words of the late British Envoy in Persia—continuing to be the instruments for accomplishing the prophecy of Napoleon, and for rendering Europe, after it has become republican, Cossack.

VISCOUNT PALMERSTON: Sir, I, of course, am quite aware that it is, strictly speaking, in the power, as it is the right, of any Member to make, without any notice, any Motion he may think fit to submit to the House; but at the same time, for the convenience of discussion, certain rules have been established, and it is customary for Gentlemen who wish to bring forward a discussion, to attend to those rules and observe them—a departure from them being in fact alike inconvenient to the interests of the public, and to the transaction of the business of the House. Now, the hon. Member opposite is very fond of departing from that rule of the House which requires Members to announce, by previous notice, what is the Motion which they intend to submit to the House; and I may almost say, that whereas there is a saying attributed to a certain celebrated diplomatist, that language was given to man to conceal his thoughts—that in like manner notices are used by the hon. Member for Stafford for the purpose of concealing the Motions which he intends to found on them. The hon. Member places with great formality on the Notice Paper of the House, that he intends to call the attention of the House to the relations of this country with Russia, in reference to the events now occurring in the north of Europe; but instead of confining himself to the execution of that announcement, he springs on me with two addresses, of which he had given no notice; and at the conclusion of his speech, he states the reasons why he thinks the House should agree to his demand. The hon. Gentleman moves for the production of correspondence connected with the Treaty of Unkiar Skelessi, and for the correspondence now going on with regard to the efforts of this country to mediate between Denmark and the Germanic Confederation in the Schleswig-Holstein affair. And he says that it is essential that Parliament should be in possession of this correspondence, in order to see how it is that Russia is to combine with Austria and Prussia to prevent the re-establishment of the nationality of Poland. Now, I assure the House that the correspondence in question will throw no light upon that subject. The Treaty of Unkiar Skelessi was a treaty between Russia and Turkey relative to the internal affairs of Turkey, and it lasted for eight years. Having been, however, thought objectionable by the Government of this country, as giving to Russia the power of interference in the internal concerns of Turkey, the treaty ceased to exist in 1841, and it was not renewed, as certain negotiations and treaties destined to replace it were then in progress. It is, in fact, a defunct transaction, and neither has nor can have anything to do with what may now take place with regard to Polish nationality. As regards the correspondence now going on with respect to the mediation in the Holstein and Schleswig affair, that can have no possible leaning upon the question alluded to by the hon. Baronet; and, beside, I should object to the production of any correspondence connected with a negotiation still pending, because it would be extremely prejudicial to the attainment of the object in view. The hon. Gentleman went into a great many topics, into which it is hardly necessary for me to follow him. The hon. Gentleman, for instance, expatiated at some length against the Treaty of the Holy Alliance; now I am the last man to stand up to contradict anything that may be said in disparagement of the Treaty of the Holy Alliance. All I presume to say is, that there is nothing in our policy which has any connexion with the principles of the Treaty of the Holy Alliance—which has any resemblance to those principles, or can be shown to be likely to produce any consequences similar to those which the Holy Alliance was intended to bring about. The hon. Gentleman is pleased to say that the Foreign Minister of this country exercises a power which the hon. Gentleman describes in very mysterious terms, but by which the Foreign Minister governs the destinies of every foreign country. Now, really, the hon. Gentleman does more credit to the influence of this country than I am afraid events would bear him out in ascribing to it. Sir, we have on occasions done our best to direct the course of events in the way which we thought most consistent with the honour and interest of this country and the general good of mankind. In some cases our efforts were attended with some success; in others we did not altogether accomplish all we wished. But I do not know what the cases of interference may be which the hon. Gentleman places upon a footing with the Treaty of the Holy Alliance. Perhaps he means the instance of Belgium—or the conferences held on the affairs of Belgium and Holland, as having most resemblance to what he deems to have been the purposes of the Treaty of the Holy Alliance? The Holy Alliance was a union of separate powers, intending to interfere authoritatively in the internal affairs of other countries, in order to prevent any progress being made in the adoption of the principles of the constitutional institutions of Europe. But what happened in the case of Belgium? The five Powers who united in the conferences were invited to take the parts they did by the Sovereign to whom Belgium by treaty belonged. Besides, that conference began under the Administration of the Duke of Wellington, the right hon. Baronet the Member for Tamworth, and the Earl of Aberdeen; and the first two protocols were signed, not by me, but by Lord Aberdeen. The invective of the hon. Gentleman, therefore, against the Treaty of the Holy Alliance, passes entirely over us. But the hon. Gentleman proceeded to say, that the whole policy of England had been directed for the purpose of promoting the objects of Russian policy. Now, I know that the hon. Gentleman has got a series of standing Motions upon that subject, which it would be in vain and useless for me to attempt to combat, with the view of attempting to alter the hon. Member's feelings and opinions. But all I say is, that our guiding rule is to promote and advance, as far as we can, the interests of the country to which we have the good fortune to belong, and which we have the honour to serve. We have no everlasting union with this or that country — no identification of policy with another. We have no natural enemies—no perpetual friends. When we find a Power pursuing that course of policy which we wish also to promote, that Power, for the time, becomes our ally; and when we find a country whose interests are at variance with our own, we are involved for a time with the Government of that country. We find no fault with other nations for pursuing their interests; and they ought not to find fault with us if, in pursuing our interests, our course may be different from theirs. The hon. Gentleman, however, attributes to me that, in 1830 or 1831, I stated that France was the great object of the jealousy and of the apprehension of England; and the hon. Gentleman quotes M. Ledru Rollin as the authority for my having said so. Now, I do not know what M. Ledru Rollin may have imagined I said; but if the hon. Gentleman will recollect the mutual confidence and co-operation in which England and France existed at that time, he will acknowledge that it is palpable that no Minister of England could have said that France was the great object of our jealousy. France and England were then co-operating for several great European purposes. The co-operation of France and England was successful in settling many questions then pending; and, so far from there then being a mutual jealousy between the countries, there never was a period at which the interests of the two countries were more identified, and their relations more calculated to inspire confidence in each other. The hon. Gentleman further said, that it was this alleged feeling of jealousy which England entertained towards France, although he also admitted that the feeling entertained by England towards Russia was a feeling rather of distrust than of confidence; that it was the then existing distrust of France which prevented England from taking steps for the restoration of the nationality of Poland. And the same Gentleman then complains of the English Government for having admitted that Russia had certain rights over the kingdom of Poland. Now we do not conceal—and we never have concealed—that the Treaty of Vienna did give certain rights to Russia over the kingdom of Poland. We thought that these rights and powers ought to be limited by the Treaty of Vienna; but we never imagined that we ought to pursue such a course as to attempt, by our single authority, to break down the arrangements of that treaty. Sir, as I said, there are many other topics in the speech of the hon. Gentleman; but, without going into these topics further, I can only say that I think it a bad precedent to give notice of one thing, and when the time comes to do another. On that ground alone, I shall object to the Motion of the hon. Gentleman; at the same time, however, assuring the House that the production of the first-mentioned papers could throw no light upon the particular point on which the hon. Gentleman wishes to bring the action of the House to bear; while, with respect to the after-mentioned papers, I shall object to their production, because they refer to a subject upon which negotiations are now pending.

Mr. HUME said, that he had seconded the Motion because he considered that the hon. Member had on a former occasion been unfairly treated by the counting out of the House; but after the speech which had been made by the noble Lord, he would advise the hon. Member not to press his Motion for these papers.

Mr. KEMEYS TYNTE was surprised that the hon. Member for Montrose, after seconding the Motion, should advise the hon. Member for Stafford to withdraw it. He hoped the House would not negative the application of the hon. Member.

Lord D. STUART:[*] I quite agree with my noble Friend the Secretary of State for Foreign Affairs, that it is better in general to observe closely the rules of the House; but I cannot help feeling surprised that my noble Friend should, on this occasion, have devoted so large a portion of the very short speech with which he has favoured the House, in opposition to the Motion of my hon. Friend the Member for Stafford, to the discussion of an objection founded on a point of form. My noble Friend must know perfectly well that the object of the Motion is, in point of fact, merely to bring the subject under the attention of the House, and that whether the terms of the Motion were to call the attention of the House to the policy of Russia, or to require the production of certain papers having reference to that policy, must be a matter of indifference to the Mover and to every one else. And I think that my hon. Friend has done good service by bringing forward this Motion, for it appears to me highly advisable that the attention of the House should occasionally be called to matters of foreign policy; and no one has ever done so more frequently, or more efficiently, than my noble Friend, when not seated on the Treasury benches.

As it is now too late, being past eleven o'clock, to enter on the great question (the ballot), which stands next on the Paper to this Motion, I shall take the opportunity of making a few observations on a subject which must always enter largely into any discussion respecting the policy of Russia—viz., the state of Poland.

It may be perfectly true that Russia is the great enemy of liberty and enlightenment—that she menaces the security of our Indian empire—that she is the adversary of our commerce in Central Asia—that her tariff and all her commercial policy is highly injurious to our interests as a nation greatly depending on trade; but it is through Poland that Russia chiefly affects both this country and Europe at large. In fact, were Russia once deprived of Poland, she would scarcely continue to be an European Power. This she well knows, and that is the reason why her rulers have been so anxious, by any means, to get possession of Poland, and why they hold that unfortunate country with so tenacious a grasp. The public here receive but little correct information with regard to the Poles; and that unhappy people, who have long been known as the most ardent patriots and the most determined defenders of liberty, but who for a series of years have been subjected to every species of tyranny and oppression, have now incurred the additional misfortune of being made the victims of the most cruel calumny. Reports, the most injurious to them, but wholly destitute of foundation, circulated by the German press, are copied and repeated by the press of this country. The public in general, and, no doubt, many Members of this House also, have been led to believe that the Poles in the Grand Duchy of Posen have committed the most shameful cruelties, and perpetrated the most wanton barbarities on the German population of that province. There never was a more unfounded impression. The Poles, on the contrary, have been the victims of the cruelty and bad faith of the German bureaucracy; and if they have resorted to violence, they have done so only after they have been attacked. The state of things in Posen is certainly most deplorable; for the people are in arms, and a bloody war is raging. But how has this been brought about? I answer without hesitation, by the conduct of the Prussian Government.

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[*] From a pamphlet published by G. Detkens.

I do not impute bad intentions to the King of Prussia. I am willing to believe that he is desirous of doing right; but he vacillates between opposite opinions: at one time adopting liberal counsels; at another time listening to the reactionary party. After the revolution at Berlin, the Poles in Posen were encouraged to believe that the time was come, not merely for improving the condition of their own province, but for the restoration of Poland at large. What was the language held at the Prussian embassy here, and by those connected with the Prussian Government? Was it not that the partition of Poland had been a great crime; and that the time for reparation had arrived, even though that reparation should occasion cost and sacrifice to Prussia? Was not the expediency of separating Posen from Prussia, and reuniting it to Poland restored to independence, openly canvassed by those in the service of Prussia in this country? I myself can give evidence on these points; and if language of a similar description was addressed, as no doubt it was, to the Poles of Posen, who can wonder that those men of excitable temperament, ardently and devotedly attached to their nationality as they are, should have been fired by the brightest hopes? They took up arms—such arms as they could obtain—scythes and fowling-pieces—and in a short time 20,000 men, chiefly peasants, were assembled. They took up arms, not against Prussia, but in the firm belief that war was about to be declared between Germany and their arch enemy the Czar; and that they were to form the vanguard of the German forces. Meantime, the King of Prussia looked on. There was scarcely any government in Posen after the revolution in Berlin till a national committee was formed by the Poles, which was allowed to be in regular, almost official communication with the King's Government. Afterwards General Willisen was sent from Berlin with orders to procure the disarmament of the patriots upon certain conditions. These conditions were, that a certain number of the Poles in arms should be formed into regular regiments of infantry and squadrons of cavalry, which should constitute a separate army for the Duchy of Posen, composed entirely of natives; that there should be a separate financial administration, and other provisions for governing the whole of the Grand Duchy, on the footing of a separate Polish province, subject to the Crown of Prussia. The patriots were unwilling to lay down their arms, but were persuaded to do so, by the national committee, comprising as it did many leading and influential individuals; but no sooner had the Poles laid down their arms, and piled them, according to stipulation, on waggons, than they were insulted and attacked by the German population, unrestrained, and in some instances assisted, by the Prussian soldiers and officers. General Willisen himself, although a Prussian, being considered by the German population too friendly to the Poles, was grossly outraged, and in so much danger from their fury as to be obliged, for the safety of his life, to seek refuge in the house of a Pole, where he was protected by the Polish National Guard. In the account of this affair given by the German, and on their authority by the English newspapers, this attack on General Willisen was stated to have been made by the Poles; and from this time every event which occurred in Posen appears to have been systematically misrepresented. On one occasion, a Prussian force meeting with a party of patriots who had some arms, a gentleman named Chlapowski, who was unarmed, threw himself between the two parties, in order to prevent a hostile collision: the Prussian soldiers instantly shot him. General Colomb, anxious to report a victory—which subsequent events have proved that he was not likely to gain easily—published a statement to the effect that Count Chlapowski had been shot at the head of a body of insurgents. A judicial inquiry afterwards taking place, General Colomb was obliged to recant, and to admit that his first statement had been incorrect, for that Count Chlapowski had been shot by mistake. It may be asked, why there should be this dislike between the Poles and the Germans? and I know it is often argued that the Poles must have acted exceedingly ill, since the Germans who appeared a short time ago to be the ardent friends of Poland have become their enemies. I believe that that feeling of enthusiasm in favour of Poland did exist throughout Germany at large, and that it has not materially diminished. But the reason why the Germans in Posen dislike the Poles is simple enough. The Germans there form a minority, which for a length of time has enjoyed the privileges, and much more than what ought to be the privileges, of a majority. Ever since Posen has been annexed to Prussia, almost all places of trust or emolument from the highest down to the most insignificant, have been given to Germans to the exclusion of the Poles; and when the Germans found that they were to enjoy this privilege no longer, but must submit to see those they had been accustomed to look down upon as inferiors acquire the ascendancy, they became, naturally—if you will—but not at all justly, exceedingly indignant. I am not contending that the Poles in Posen have acted throughout judiciously, or followed in all things the dictates of moderation and of wisdom. I think it might have been possible for them to have conciliated the German inhabitants; but for the reasons stated it could not be an easy task. The King has lately attempted to settle the difference, by granting not merely separate institutions to the districts of Posen chiefly inhabited by Germans, but by dissevering those districts for ever from the Duchy of Posen, and incorporating them with the Germanic Confederation: he has thus exasperated the Poles to a high pitch, and not without reason. It is in the first place a breach of faith, for he had promised Polish institutions to the whole Grand Duchy of Posen on certain conditions, which, as the proclamation of his own officer, General Willisen, declares, have been strictly fulfilled. It is also in itself unjust: for the Germans have, properly speaking, no business in Posen—they are not indigenous there, but have been imported or placed there as colonists, by the Prussian Government, for the express purpose of denationalising and Germanising the country. It is, moreover, in direct violation of the Treaty of Vienna, which stipulates the preservation of Polish nationality, by means of Polish institutions, for the whole of the Grand Duchy, and not for any one part more than another; and here I must say I should like to know from the noble Lord the Secretary of State for Foreign Affairs whether the Treaty of Vienna is still to be considered binding on this country or not, as far as regards Prussia. By that treaty we have guaranteed a certain portion of Saxony to the King of Prussia; and it is possible that, in virtue of that stipulation, we may one day be called upon to give effective aid to Prussia, for the preservation of that territory. It is fitting, therefore, that we should know whether that treaty, which other States violate day after day, is still considered by our Government as binding upon England.

I must, too, take occasion to express my regret that the Government has not, in that part of the world where such events are passing, some agent who could watch and report upon them. If the noble Lord had listened to the advice given him long ago—if he had not, I will not say broken his promise, but departed from the intention he had positively announced, of sending an agent to Cracow—I am persuaded that that republic would not have been destroyed, and that he would have possessed the means of obtaining authentic information, which I do not believe he can now command. The intelligence supplied by the embassy at Berlin must principally be derived from German sources, and cannot therefore be implicitly relied upon. I have stated that I place no credit in the reports of the newspapers as to excesses and barbarities committed by the Poles. I deny them on the authority of correspondents of high character and undoubted veracity, either residing on the spot, or in the neighbourhood, and possessing ample means of obtaining direct intelligence from the country—persons, some of them, who, if named, would be admitted as good authority by a great part of the Members of this House. But there are also official documents to support what I state. There is the proclamation of the Prussian General, Willisen, declaring that the Poles had fulfilled all the conditions imposed on them. There is the order of the day of the Prussian commander-in-chief, Von Colomb, in which he reproaches his own soldiers with the excesses committed by them, and enjoins better conduct for the future, without saying one single word—as no doubt he would, had he been able—of provocations endured by them from the outrages of the Poles.

The disunion between different classes in Poland is always a favourite topic with the enemies of the Poles. We are constantly told that the insurrections of the Poles are for the benefit of the noble class alone, and that the peasants take no interest in them; and some persons—persons, too, who ought to know better—trusting to the unfounded theories of the newspapers, have asserted that the peasants in Posen were in arms against their landlords, and have described the state of things prevailing there as nothing but a *jacquerie.* There never was a supposition more remote from the truth. There has been no jacquerie in Posen; but, on the contrary, the attachment of the peasants to their landlords has been manifested in a remarkable degree. The peasants have felt that the interests of both classes were the same—nay, the peasants have shown themselves even more animated by patriotic sentiments than any other class. Mounted on their diminutive horses fresh from the plough, without saddles, and with halters for bridles, these gallant men have, in more than one encounter, routed and put to flight the cuirassiers and hussars of the regular Prussian army. Never has more determined bravery been displayed; men armed with scythes and a few fowling-pieces have foiled and beaten heavy battalions; facts which can only be accounted for by the enthusiasm of these irregular levies, and the lukewarmness of the disciplined troops to which they were opposed.

In Galicia, where two years ago a bad spirit having been carefully fomented by the Austrian Government, the peasants, at the instigation of the Austrian authorities, rose against their landlords, a better feeling now prevails; and in the little territory of Cracow the peasants are, and long have been, on the best terms with their nobles. Although I am extremely unwilling, at this late hour, to trespass longer on the patience of the House, I cannot sit down without referring to the cruel treatment which Cracow has again received from the Austrian Government. I took the liberty of putting a question on this subject a few nights ago to my noble Friend the Secretary of State for Foreign Affairs, when he admitted the truth of the account I had heard; but I was sorry that he spoke of that horrid event with some apparent levity. I see my noble Friend repudiates any such intention; and I am quite sure that the levity was only apparent, and not real, and that my noble Friend would be the last man to feel lightly with regard to such a horrible event as the bombardment of a town. But as everybody is not so well acquainted with my noble Friend as I am, I regret that he should have expressed himself on the occasion I refer to in a manner to create an impression which I am sure he would not wish to produce. The facts were, that a number of Poles from different parts of Poland, not subject to Austria, having congregated in Cracow, the Austrian authorities, among whom was Baron Krieg, famous, or rather infamous, for the part he took in the massacres of Galicia, determined to drive them out, and gave orders that they should depart. The inhabitants, thinking this order exceedingly harsh, first complained against, and then prepared to resist it. Some barricades were thrown up in the streets, whereupon, without the slightest notice, the castle commenced a bombardment of the city. This lasted several hours; and, at the end of that time, 400 of the refugees and inhabitants having been killed, the rest made submission. The bombardment of a town is always considered the very last mode of warfare to be resorted to—to be used in a case of extremity only, when all other means have failed; and even then it is never had recourse to by civilised Powers, until due warning has been given, in order to allow the enemy time to make a decision, and afford the unfortunate inhabitants an opportunity of saving their lives, if not their property. A bombardment destroys all alike—those who resist and those who submit—the young, the old, the infirm, the sick, women and children—all are alike exposed to the same danger, the same horrors. Yet the paternal Government of Austria did not scruple to exercise greater severity than would have been admissible against a hostile town, towards a city which, by a treaty entered into with this country, she had bound herself to protect.

Truly was it said by one of the greatest liberal statesmen of England, a noble Lord whose opinions I am fond of quoting in this House, the late Lord Holland—"In all times, and according to all history, if ever anything mean, oppressive, or treacherous was to be done, Austria was the party put forward to execute it;" and when taken to task for these words by Lord Liverpool, he would not retract them, but, on the contrary, repeated, "that there never was a Government that had uniformly displayed more meanness, more severity, and more injustice than the Austrian Government."

I really do think that transactions such as those which I have mentioned deserve the attention of Her Majesty's Government; and I do trust that my noble Friend the Secretary of State for Foreign Affairs will employ that influence which he undoubtedly possesses, to prevent the repetition of such shocking occurrences, and to impress on foreign Powers the obligation of acting with a little good faith and some slight degree of humanity, towards the Poles who have been placed under the dominion of those Powers, by virtue of treaties to which we are parties. My noble Friend has talked of the rights of Russia over Poland. I never have, and never can admit, that Russia has any such rights; but even supposing her to have them, my noble Friend knows perfectly well, and has, indeed, to-night again admitted, that if they exist at all, they are dependent on certain conditions, and can therefore be then only legitimately claimed, when those conditions have been fulfilled. But those conditions never have been fulfilled, and any right consequent upon them has long since been forfeited.

MR. BLACKSTONE said, that having been in Poland very recently, and having travelled all through it, he felt bound to say that the talk about the nationality of the Poles was utter trash. The great bulk of the population of Warsaw, Cracow, and the other large towns of Poland, were all Jews.

DR. BOWRING said, there were hon. Members who had been in Poland, as well as the hon. Gentleman who had just spoken. He must say, that he did not think it becoming to speak of Poland and the Poles as that hon. Member had just done. He believed that Poland, so long forgotten, was destined to reappear, and that the wrongs and long sufferings of the people of that unfortunate country would ere long be redressed by the public opinion of Europe, in which England would take the lead.

MR. URQUHART: I adopt the suggestion made to me, but I regret the reasons on which it is founded. I withdraw the Motion, but I do not conceive that I have any reason to be satisfied with this debate. I am, Sir, anything but satisfied; I am deeply humiliated; I, at all events, have endeavoured to do my duty.

Motion withdrawn.

House counted out and adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, May 17, 1848.

MINUTES.] PUBLIC BILLS.—1° Joint Stock Companies. 2° Parliamentary Electors: Places of Worship Sites (Scotland).

PETITIONS PRESENTED. By Sir Joshua Walmsley, from Members of the General Baptist Congregation, Dover Street (Leicester), for Discouragement of Idolatry in India.—By Mr. Christopher, from Winterton, and its Neighbourhood (Lincoln), and by Mr. Loch, from Kirkwall (Orkney), for Better Observance of the Lord's Day. —By Mr. Bouverie, from Members of Free St. Matthew's Congregation, Glasgow, and by other Hon. Members, from an immense number of Places, in favour of the Places of Worship Sites (Scotland) Bill.—By Captain Fordyce, from Aberdeen, for Repeal of the Duty on Attorneys' Certificates.—By Viscount Drumlanrig, from Members of the Free Church Congregation, and Others, in the Neighbourhood of Lockerbie (Dumfries), against the Diplomatic Relations, Court of Rome, Bill.—By Mr. Fergus, from the Town Council of St. Monance, in the County of Fife, against, and by Captain Fordyce, from Magistrates and Council of Aberdeen, in favour of, the Law of Entail (Scotland) Bill.—By Mr. Fergus, from the Royal Burgh of Inverkeithing, against Repeal of the Navigation Laws.—By Sir John Hanmer, from the Borough of Flint, for Alteration of the Public Health Bill. —By Captain Pechell, from Brighton, in favour of the Remedies against the Hundred Bill.

PARLIAMENTARY ELECTORS BILL.

SIR D. L. EVANS moved the Second Reading of this Bill, which, he said, referred to the ratepaying clauses in the Reform Act. Those ratepaying clauses were not in the original contemplation of the supporters of that Act; but in the course of the violent debates which ensued, a proposition was made that the payment of rates and taxes within a limited period should be a condition of the qualification of voters. A compromise to that effect was entered into, and the provision was introduced into the Act. The object of that provision was represented to be to insure the solvency of those who voted; but, on the contrary, in the course of the working of that Act, there had been found innumerable proofs that that condition had no effect whatever in that respect, for, either from the negligence of the householders themselves, or in some instances from intention on the part of the rate collectors, many persons in the most solvent circumstances had been disfranchised; and it had happened under the operation of those ratepaying clauses that both the right hon. Baronet the Member for Tamworth and the noble Lord at the head of the Government had at one time lost their votes. In Marylebone alone not less than 16,000 *bonâ fide* electors had upon one occasion been disfranchised by the operation of the clauses in question; and thousands of persons in other boroughs suffered the same grievance. In the aggregate it was calculated that 150,000 *bonâ fide* electors were generally excluded from the franchise by the effect of the ratepaying clauses. At the present moment, in consequence of the recent changes that had taken place on the Continent, there was now scarcely a country in Europe which did not enjoy a more extensive franchise than that which existed in this country; and a feeling was therefore entertained by many that a large extension of the franchise here was necessary and expedient. Those who held that opinion might perhaps be dissatisfied with the proposition of the minute character which he now submitted to the House; but if any change of a much more extensive nature should take place in this respect, he trusted it would not be founded on the entire demolition of the present system in respect to the franchise, but on its improvement; and consequently the proposition which he now made would then not militate against, but would rather be in furtherance of such change. He thought all such changes should be gradual and temperate; and he would ask hon. Members sitting on the Opposition side in what state would this country have been if their advice had been followed, and if all those propositions for amelioration and all those concessions to liberal opinions which had been made during the last twenty years had been unfortunately refused? What would have been the state of this country, and of Ireland, if the Test and Corporation Acts had been left in their original stringency—if Catholic emancipation had not been conceded—if the corn laws had not been repealed—and, above all, if the Reform Bill were not now the law of the land? The Bill, the second reading of which he now proposed, was of such a nature, as he trusted would satisfy the scruples of hon. Gentlemen opposite. It proposed an alteration in the Reform Act merely to this effect, that no person should be required, in order to entitle him to have his name inserted on the register for any borough, to have paid any poor-rates or assessed taxes, except such as should have accrued due previously to the 11th day of October in the preceding year, thus substituting the 11th of October in the preceding year for the 5th of April in the current year, as was now the law.

Captain HARRIS said, he should certainly record his decided opposition to the Bill. On a former occasion a similar Bill had been introduced, and he believed that a majority of the Members of the Government then opposed it. Great inconvenience was experienced in consequence of persons well able to pay their rates and taxes not doing so within a proper time, and he was unwilling to remove any such check as now existed against that abuse. He thought that what was passing in a different part of the world ought not to affect their legislation when founded on justice, and they ought to legislate for themselves irrespective of extraneous events.

Sir G. GREY said, that the hon. and gallant Member had alluded to a Bill of a similar character introduced on a former occasion; but it was his impression that the principle of that Bill met generally with concurrence from the Members of the Government, and he could state that he himself had supported it. In his individual capacity he should give his vote for the second reading of the present Bill, which did not affect the principle of the payment of rates and taxes in reference to the franchise, but only extended the time, and came within the spirit of the Reform Act. The Bill had nothing to do with the present state of affairs; and, as he had supported the former Bill, he should now vote for this, not in reference to circumstances existing at the present moment, but because he thought it would have a beneficial effect.

The House divided:—Ayes 60; Noes 25: Majority 35.

List of the Ayes.

Baines, M. T.
Baring, rt. hon. Sir F. T.
Berkeley, hon. H. F.
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Bouverie, hon. E. P.
Bright, J.
Brotherton, J.
Carter, J. B.
Cavendish, hon. G. H.
Chaplin, W. J.
Cobden, R.
Davie, Sir H. R. F.
D'Eyncourt, rt. hn. C. T.
Dunne, F. P.
Ebrington, Visct.
Ellice, E.
Fergus, J.
Fox, R. M.
Frewen, C. H.
Gibson, rt. hon. T. M.
Glyn, G. C.
Grey, rt. hon. Sir G.
Hardcastle, J. A.
Hawes, B.
Hayter, W. G.
Headlam, T. E.
Heald, J.
Henley, J. W.
Hudson, G.
Humphery, Ald.
Kildare, Marq. of
Labouchere, rt. hon. H.
M'Gregor, J.
M'Taggart, Sir J.
Marshall, W.
Matheson, J.
Maule, rt. hon. F.
Melgund, Visct.
Moffatt, G.
Muntz, G. F.
Packe, C. W.
Pechell, Capt.
Pilkington, J.
Rawdon, Col.
Rice, E. R.
Scholefield, W.
Smith, J. B.
Smyth, J. G.
Spooner, R.
Stuart, Lord D.
Tancred, H. W.
Thompson, Col.
Thornely, T.
Tufnell, H.
Walmsley, Sir J.
Wawn, J. T.
Williams, J.
Willoughby, Sir H.

TELLERS.
Evans, Sir D. L.
Hall, Sir B.

List of the Noes.

Arkwright, G.
Baldock, E. H.
Bankes, G.
Buck, L. W.
Buller, Sir J. Y.
Christy, S.
Cobbold, J. C.
Colvile, C. R.
Deedes, W.
Duncombe, hon. A.
Duncuft, J.
Forbes, W.
Grogan, E.
Herbert, rt. hon. S.
Lincoln, Earl of
Lockhart, A. E.
Lygon, hon. Gen.
Oswald, A.
Patten, J. W.
Plowden, W. H. C.
Reid, Col.
Thesiger, Sir F.
Trollope, Sir J.
Villiers, Visct.
Waddington, D.

TELLERS.
Christopher, R. A.
Harris, hon. Capt.

Bill read a second time.

AUDIT OF RAILWAY ACCOUNTS BILL.

Sir F. T. **BARING** moved the Second Reading of the Audit of Railway Accounts Bill, of which he would briefly state the objects. It originated with the House of Lords, in consequence of the evils which appeared to the Members of that House to exist in the present system, and not from any desire on their parts to interfere unduly with the course of railway legislation. In many instances there had appeared to them, as no doubt there had appeared to many Members of that House in the progress of business before Railway Committees, many circumstances which required alteration and revision. In particular it seemed objectionable, that in cases where a large minority of shareholders were dissatisfied with the management of any particular railway, they should have no power to procure a satisfactory explanation of the accounts. The Bill of which he moved the second reading was a measure to enable the minority of the shareholders, when it reached a certain extent so as to constitute a considerable number of the persons interested, to have the accounts of any company fairly audited by an impartial person who should be appointed by the Government. It was not proposed, however, that Government should interfere to make such appointment, unless a requisition was addressed to them by a certain number of shareholders; and once the audit was made and the result exhibited, the Government possessed no further powers of interference. The Bill contained many details; but he would not enter upon their discussion, as what he had stated sufficiently embodied the principle of the Bill. That principle appeared to him to be just, and he, therefore, was at a loss to imagine why there should exist, as he had reason to believe there did exist in some quarters, a serious opposition to the Bill. There were many hon. Members who might think the measure exhibited an unnecessary stringency, and if they objected to it on principle, they would no doubt oppose the second reading; but at the same time any objections which related to details merely would best be urged in Committee. He did not see why any distinction should be drawn between the principles which applied to the auditing of railway accounts and to the accounts of other corporate bodies. Of one thing he felt certain, that if the opposition to this Bill succeeded, the House would, at no distant period, be obliged to pass a measure still more stringent, for it was impossible to allow the present system to continue.

Mr. **BANKES** could not be suspected of being actuated by any railway interest in giving his opposition to the measure, inasmuch as he had never connected himself by any tie with any railway in the country. At the same time he was bound to state that this measure could not receive his approbation; and unless his present opinion should be changed by the statements of the right hon. Gentleman at the head of the Board of Trade (Mr. Labouchere), or by the representations of Gentlemen connected with railways and railway management, he should feel it his duty to persist in the Amendment he had to make on the Motion of the hon. Baronet, that the Bill be read a second time that day six months. He objected to the Bill, more especially because he conceived it to be only another piece of that piecemeal legislation with respect to railways, of which he had so often complained. The Bill was introduced merely for the purpose of giving the Railway Commissioners something to do. The existing regulations were quite sufficient for the objects this Bill had in view; and, if passed, it would introduce nothing but discord and confusion into railway companies. The principle of giving to the minority power over the majority, was new in legislation; and why the railway interest should be selected for the application of that principle, he was at a loss to understand. He trusted that the Railway Board would soon be placed on a different footing to that upon which it was placed at present, as he was of opinion that from that tribunal ought to emanate all measures relating to railway matters. He was of opinion also, that such a Bill as this ought not to originate in the other House of Parliament, as it was a measure which the House of Commons was better able to judge of than the House of Lords. Such a Bill as this ought to have been founded upon petitions praying for its enactment; but as far as he could learn, not a single petition had been presented to either House of Parliament in favour of such a measure. Under these circumstances he should persist in the Motion of which he had given notice, that the Bill be read a second time that day six months, unless he heard stronger arguments in favour of the Bill than had been urged.

Mr. **LABOUCHERE** attached no great importance to the objection that this measure was not introduced by the Government: independent Members of Parliament had an undoubted right to originate any measures which they might conceive the public interest called for. It was remarkable that this Bill, which it was understood was to be strongly opposed in that House, passed through the House of Lords without opposition. He had been informed by some Gentlemen connected with the railway interest that they were not aware of the nature of the measure whilst it was in the other House; but it was difficult to believe that the railway interest, generally so watchful as to anything likely to affect them, should on this occasion have been caught napping. The hon. Member thought that the Railway Board had little business to transact; but in that he was mistaken. The business performed by the Railway Commissioners was considerable in quantity, and great as regarded the gravity of its character. It was business which could not be performed in a satisfactory manner by men who were not of high and recognised station in the country. The hon. Member for Dorsetshire had spoken disparagingly of the Railway Commissioners; but so long as it was the will of the Legislature to maintain a board of that description, so long was it the interest of the country that the character of that board should be upheld. If those who composed it were deficient in knowledge and capacity, at least the public had an interest in their integrity; of that nothing could deprive them. The real question for the consideration of the House was, whether there should or not be a more efficient audit than at present existed for railway accounts. He differed upon this question with most of the Gentlemen connected with railway companies. They considered railway companies to be strictly private companies, and partaking in no degree of a public character, any more than any other commercial undertaking. Now, he never could persuade himself that that was a correct view of the question. Railway companies were very anomalous bodies. It had always appeared to him, considering the enormous amount of capital they possessed, and the extensive powers that were given to them by the Legislature, which practically conferred upon them a monopoly over the means of communication throughout the country, that railway companies stood in a middle position between public and private establishments. He had always understood that it was this consideration which justified that interference of the Legislature with those companies which they were not prepared to apply to private companies. Upon general principles, no doubt, all commercial transactions were better managed by private enterprise than by the interference of the Government, which, for the most part, was not only useless but mischievous. But, although he agreed that private undertakings should not be interfered with, still, viewing railway companies as a species of public institution, he could not join with those who resisted the present measure on the ground that such companies were merely private concerns. Upon these grounds he thought there was nothing contrary to sound principle that Parliament should provide speedily for railway companies a means of audit which did not exist in the case of other companies. He wished to speak with all respect of the general management of the great railway companies of this country. He knew that some of the most eminent mercantile men had, to the great advantage of the country, taken part in the direction of those great undertakings. At the same time, if he were asked whether there had not been considerable abuses in the mode of conducting many of those companies; whether they had not considered shemselves as being almost chartered libertines; whether they had not often set at nought the provisions of the Acts of Parliament under which they derived all their authority, he should feel bound to say that he believed that that had been very much the case. He did not think any Gentleman would deny that the railway companies had in a great many instances disregarded altogether the provisions to which the Legislature had subjected their management. The present system of auditing railway accounts was most unsatisfactory. The auditor was appointed by a majority of the shareholders. What did that practically amount to? Why, that in point of fact the directors appointed the auditor, for the directors naturally and necessarily possessed the confidence of a great majority of the shareholders. Under such circumstances the idea that the auditor had any real check upon the management of the company was visionary and unfounded. He believed that there existed the greatest practical difficulty in any minority of shareholders of a large company inducing any great portion of their body to take part against a majority of the shareholders. Great abuses might go on for a long time without there being any practical means for a minority of shareholders obtaining any efficient redress. He therefore did not attach much importance to the system of audit which now existed. The principle of the present Bill was this—not that Government should be empowered at its own will and fancy to appoint an examiner and auditor, but that it should be competent for a proportion of the shareholders to express a desire that such an audit should be instituted; and, as a check against any abuse of this power on the part of the shareholders, it was required that they should deposit 200*l.* to meet the expenses of the inquiry. But even upon a minority representing a desire that an auditor should be appointed, it would not be compulsory on the Commissioners of Railways to appoint an auditor, should they have reason to believe that the application was not *bonâ fide*. This was not a Government measure; but, connected as he was with the Railway Board, and approving as he did of the principle of the Bill, he should vote for its second reading, without, however, considering himself at all pledged to its details.

Mr. HENLEY had in vain listened to the right hon. Gentleman's speech, to get at what really were the reasons in favour of this Bill. The right hon. Gentleman had conceded the general principle, that public commercial companies ought to be left untouched and uninterfered with by the Government; but, said the right hon. Gentleman, railway companies were an exception; he had not, however, proved that assertion. There were other public companies with which the right hon. Gentleman might have compared the railway companies—the Bank of England, for instance. But would the right hon. Gentleman propose to deal with that establishment by legislation in the same way as it was now proposed to deal with railway companies? The principle of the Bill, if there were any principle in it, was to produce a species of appeal. It did not impose an audit upon the company in the first instance. The Bill would not be put in motion at all unless it should be set going by the act of a certain portion of the shareholders. Upon what pretence could that be called an audit on public grounds? The principle of the Bill, if it had any principle at all, was not that the public should interfere, but that private shareholders should interfere. As to saying that there was not an efficient audit so far as the shareholders were concerned, he wanted to know where were the shareholders who complained? The right hon. Gentleman argued that railway companies were "chartered libertines;" but he did not find that the shareholders were dissatisfied parties. Some years ago a general Railway Bill was passed, after great discussion and consideration in Parliament. Almost every one of the railway companies had now come under the provisions of that Act, which provided, he believed, a most efficient audit for the private concerns of those companies. Unless a very strong and overwhelming case could be made out, to show that the public good would be promoted by the measure, he thought it a very questionable matter whether Parliament had a right to interfere with private Acts, upon the faith of which parties had advanced their money. Upon these grounds he should give his vote against the second reading of the Bill.

Mr. AGLIONBY would cordially support the Bill, considering it most wholesome, as regarded the public, and beneficial as regarded the shareholders themselves. No set of men who dealt honestly could be injured by the measure. There was no attempt at unjustifiable interference on the part of the Legislature, for railway companies were not altogether of a private character. On account of their public character, they were permitted to take land on compulsion, and the State had therefore a right to interfere with them. It was said, that the shareholders had sufficient power already; but if that were so, the public had not, and their interest should not be lost sight of. He could not agree with the hon. Member for Oxford, that the minority of the shareholders, who would have the power of putting the machinery of the Bill in motion if they thought their affairs ill conducted, would be so foolish as to destroy their own property. The companies, if they meant to act honestly, could therefore have nothing to fear. There was nothing inquisitorial in the Bill, nor anything likely to lead to a bad result, and therefore it should have his support.

Mr. MUNTZ said, the supporters of the Bill had completely failed in making out a case in its favour. They were going upon the old plan of dabbling in everything, and mending nothing. They were interfering in other people's business, and not minding their own. He, thanked God, had no interest in railways; but he did not understand the principle on which the minority was to coerce the majority. This was no public question—it was a private one, and legislative interference with private concerns must prove injurious to the State. The House might as well interfere with gas companies and canal companies, and appoint auditors for all private establishments.

The House divided on the question that the word "now" stand part of the question:—Ayes 38; Noes 100: Majority 62.

List of the AYES.

Armstrong, Sir A.
Blackall, S. W.
Brotherton, J.
Carew, W. H. P.
Clements, hon. C. S.
Clifford, H. M.
Craig, W. G.
Dawson, hon. T. V.
Dundas, Sir D.
Dunne, F. P.
Elliot, hon. J. E.
Estcourt, J. B. B.
Fergus, J.
Foley, J. H. H.
Forster, M.
Fox, R. M.
Granger, T. C.
Hardcastle, J. A.
Heywood, J.
Labouchere, rt hon. H.
M'Cullagh, W. T.
M'Taggart, Sir J.
Marshall, W.
Melgund, Visct.
Power, Dr.
Power, N.
Rawdon, Col.
Rice, E. R.
Sidney, Ald.
Simeon, J.
Stansfield, W. R. C.
Sullivan, M.
Sutton, J. H. M.
Tennent, R. J.
Thicknesse, R. A.
Thornely, T.
Wawn, J. T.
Williamson, Sir H.

TELLERS.

Aglionby, H. A.
Baring, rt. hn. Sir F. T.

List of the NOES.

Anderson, A.
Arkwright, G.
Bagshaw, J.
Bailey, J.
Baldock, E. H.
Barrington, Visct.
Bennet, P.
Bentinck, Lord G.
Beresford, W.
Berkeley, hon. H. F.
Boldero, H. G.
Bouverie, hon. E. P.
Bright, J.
Brown, W.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Busfeild, W.
Cavendish, hon. G. H.
Chaplin, W. J.
Christy, S.
Clive, H. B.
Cobden, R.
Collins, W.
Cowan, C.
Dick, Q.
Divett, E.
Douglas, Sir C. E.
Duncan, G.
Duncombe, hon. A.
Duncuft, J.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Ellice, E.
Evans, W.
Ewart, W.
Forbes, W.
Fuller, A. E.
Gardner, R.
Glyn, G. C.
Greene, T.
Grenfell, C. W.
Grogan. E.
Hallyburton, Lord J. F.
Hastie, A.
Hawes, B.
Hayter, W. G.
Heald, J.
Heneage, E.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hodgson, W. N.
Hope, Sir J.
Hornby, J.
Houldsworth, T.
Howard, hon. C. W. G.
Hudson, G.
Humphery, Ald.
Jolliffe, Sir W. G. H.
King, hon. P. J. L.
Lacy, H. C.
Lincoln, Earl of
Loch, J.
Lowther, hon. Col.
Lowther, H.
Lushington, C.
Maule, rt. hon. F.
Muntz, G. F.
Mure, Col.
Newry & Morne, Visct.
Ord, W.
Ossulston, Lord
Oswald, A.
Palmer, R.
Patten, J. W.
Pilkington, J.
Plowden, W. H. C.
Powell, Col.
Reid, Col.
Renton, J. C.
Ricardo, O.
Scott, hon. F.
Seymer, H. K.
Shirley, E. J.
Smith, J. B.
Smollett, A.
Spooner, R.
Stafford, A.
Tancred, H. W.
Thesiger, Sir F.
Thompson, Col.
Trelawny, J. S.
Trollope, Sir J.
Tynte, Col.
Tyrell, Sir J. T.
Villiers, Visct.
Waddington, D.
Walmsley, Sir J.
Wortley, rt. hon. J. S.

TELLERS.

Bankes, G.
Henley, J. W.

Bill put off for six months.

PLACES OF WORSHIP SITES (SCOTLAND) BILL.

MR. BOUVERIE, in rising to move the Second Reading of the Places of Worship Sites (Scotland) Bill, said, that it was not without some reluctance that he did so. The Bill involved, if not a novel principle, at least a new application of an old one. But it was rendered necessary by certain persons, not many in number, but considerable in power, whose conduct injuriously affected the best interests of a number of our fellow-subjects, and was not, as he contended, consistent with those principles of toleration which were supposed to be embodied in our laws. He deplored the conduct of which he spoke, as much as any man in that House or out of it, because it was exhibited by persons, some of them of high character in their country—persons of that position that their example for good or for evil had necessarily great weight with the public. But he deplored still more the circumstances which that conduct had occasioned; and it was those circumstances that constituted his justification and reason for asking the House to assent to the second reading of this Bill. The Bill was entitled, "A Bill to enable Religious Congregations in Scotland to obtain Sites for Places of Worship;" and he proposed to state briefly to the House, first, the grievance which had given occasion for this Bill; and, next, the remedy by which he proposed to remove that grievance. Now, there could be no dispute or doubt as to the facts of the case. They did not admit of being disputed. They had been made the subject of investigation before a Committee of that House of which he was chairman. That Committee sat for a considerable time, and before it the principal facts of the case were thoroughly sifted and investigated. He would read to the House part of the unanimous report of that Committee, which would place before the House the general aspect of the facts brought before the Committee. The Committee stated that—

> "They found that there was a number of Christian congregations in Scotland which had no places of worship within a reasonable distance of their homes, where they could unite in the public service of Almighty God, according to their conscientious convictions of religious duty, under convenient shelter from the severity of a northern climate."

And they went on to state that—

> "It has been proved to your Committee that the members of these congregations are in the habit of meeting for public worship in places and under circumstances which are unfit for the administration of the sacred ordinances of the Christian religion, and which expose both the ministers and the people to weather injurious to their health, and to inconveniences which ought not to attend the free exercise of religious privileges."

That was the unanimous opinion of the Committee; and he would shortly trouble the House whilst he substantiated that general view which the Committee took of the facts which were proved before them, by a reference to portions of the evidence taken on that occasion. There was one case—that of Canonbie in the county of Dumfries—in which the congregation was shown to suffer much inconvenience in consequence of the refusal to sell sites for the erection of places of worship. He would read from the evidence of the minister of that congregation (who had since died), for the purpose of showing the mode in which they were compelled to join in divine worship. It appeared that at first, and for a considerable time, this congregation had no shelter at all; but they were ultimately permitted to erect a tent in a gravel pit. The evidence of the gentleman in question was not contradicted—it could not admit of a dispute. He was asked this question—

> "Does the tent protect you from the severity of the weather?—In the winter of 1845-6, I often saw the rain freely percolating through the canvass and falling on the heads of the hearers. I often saw the seats thoroughly wet, as if they had been dragged through the river. I often saw the floor a puddle of mud. We got a tent better weather-proofed for this winter; but in keeping out the rain we kept in the damp that rises from the ground in the tent—the vapour in the tent—and I often in this winter received complaints from the people that the seats were covered with hoar frost; and I saw the melted congealed moisture from the roof of the tent falling upon the heads of the worshippers; the cold was intense, and particularly when the Sabbath school was opened for instruction after public worship, it was very difficult indeed for the children and teachers to bear it."

He would now quote to the House from the evidence which had been produced relative to the case of a congregation in Skye, where there were several other congregations in a similar position. The clergyman of one of these congregations, after he had stated that they were in the habit of meeting for public worship, since they left the Church of Scotland, in the open air, was asked—

> "Is there any shelter at all from the weather?—I have some shelter, but the people have none. Have you preached in all weathers?—Yes, in all weathers. Have you preached there in a fall of snow?—A very heavy fall of snow. Have you preached when the snow has been falling so heavily that you could scarcely distinguish the congregation from the ground except by their faces?—Yes."

A clergyman who ministered to a congregation in the eastern part of Scotland was asked under what circumstances his congregation united in divine worship; and he said that he had preached on the 22nd of November, 1846, during an incessant fall of rain; that he preached again, towards the end of January, when there was again a fall of rain, without intermission, during the whole of the service. He preached again on the 14th of February, when there was deep snow, and it was very stormy; and he had on some occasions administered baptism under those circumstances. He did not like to weary the House with quoting details, but he thought it was necessary he should fully substantiate the truth of the general statement made by the Committee; and, with the permission of the House, therefore, he would refer to one or two more cases. The first was that of Torosay in Mull, where there was no stated minister regularly to perform divine service. The people there were occasionally visited by ministers, who performed the duties of their office. A clergyman was asked whether he had ever administered the sacrament at Torosay, and he replied that he had done so in 1845.

> "Where did you administer it?—In a gravel pit, within high-water mark. Was there any shelter from the weather?—There was a canvass tent, which had been a good deal torn and spoilt before I went there. Was that merely for the minister?—There were a number of people underneath the canvass, but there were as many outside exposed more directly to the weather."

He would only trouble the House with one other case, which was that of a congregation at Leadhills, in Lanarkshire. A clergyman from that district proved that he was obliged to conduct divine service for the people in the open air, exposed to rain, frost, and snow; and on one occasion he had to be lifted off the stone from which he had preached, he was so cold. Now, these were some of the cases, and he might say, perhaps, the principal cases, which were detailed in evidence before the Committee. The evil which was proved to exist then, he was sorry to say, mainly continued to exist still. There was only one case—the case of Sir James Riddell—in which there had been any indication of a disposition on the part of those who had the power to relieve these poor people from the circumstances under which they suffered. The number altogether of these congregations was supposed by the Committee not to exceed thirty-five; and all of them, as the House was aware, belonged to that great body which left the Church of Scotland five years ago, and which had now settled down into a great Presbyterian Church, embracing between one-third and one-fourth of the whole population of Scotland, and which must certainly influence the future welfare and history of Scotland to a very great extent. These congregations, in common with the rest of their body, as many Members of that House were probably aware, abandoned the Church to which they and their forefathers had belonged, rather than, as they supposed, sanction its adherence to a principle of spiritual subserviency to the State. They had, from that time until now, worshipped in the way that he had described, and would continue so to worship, as he believed, unless some relief were given by which the owners of domains as large, in some instances, as whole counties or a German principality, were compelled to sell a small spot of their extensive estates for the purpose of erecting a place of worship thereon, which might protect the purchasers from the severities of a northern climate. He contended that the House ought not to permit the present state of matters in Scotland, in reference to this question, if they could possibly prevent it. That state was not conducive to the interests of the public or of religion; and he contended that if he could suggest a remedy, it was their duty to exercise the highest function which they could fulfil—the protection of the weak against the strong, and to adopt it. It was their duty to endeavour to devise a remedy, and having devised it, to apply it for the benefit of these poor people. That remedy he had endeavoured to find; he believed it was contained in the Bill which he intended to move should be read a second time; and having stated (he hoped briefly) the nature of the grievance of which these people justly complained, he would endeavour to explain shortly to the House the provisions of this Bill. This Bill then, proposed that congregations should be enabled to procure sites for places of worship, by making application to the highest court of justice in Scotland, the Court of Session, which had great administrative powers. The application was to be made in a formal manner, and the Court of Session would give notice to the proprietor, whose lands were alleged by the petitioners to be necessary to be taken for sites for places of worship. There would be a power on the part of the proprietor to contradict the statements in the petition; there was to be a formal investigation before the sheriff, who would report to the court; and where the Court of Session decided that the material allegations in the petition had been sustained, the sheriff should be directed to go to the estate, and select a proper place, with certain limitations as regarded the convenience of the proprietor; and a further provision was made that the expenses of the investigation, and for the conveyance in proper form of the land so taken, should fall upon those applying for the site. It was, in short, a power to take land compulsorily in certain cases where none other could be got, for the purpose of enabling religious congregations to erect places of worship. Now, he knew very well that here he should be met with the objection, and it was a grave one, that, in making this proposition, he was interfering with the rights of property. But he said that, while he admitted the fact, he denied the inference, because he contended that the proposition which he made came within the operation of the principle which the House acted upon every day, without that principle being ever disputed. There was not a Member who would not see, that, in the case of railways, every Bill which was brought before the House for the construction of a railway contained clauses to the same effect as those contained in the present Bill; and their introduction was assented to without demur. They held in that House—for there was no other principle which could justify that interference—they held that they had a right to say to the proprietor of a certain piece of land, "Provided you are compensated for the loss of this land, it is but just that the public interest and convenience should override your right." And they went even further than this—they deprived a proprietor, in cases where the public interest was concerned, of land, for which it was impossible to compensate him. He recollected, about four years ago, a case in point. He was on a Railway Committee, in which a proprietor of land was an opponent. The hon. Member for York (Mr. Smyth), who was now a Member of this House, but was not then, was possessed of one of the prettiest seats in Yorkshire, which happened to be located at a junction of railways—the Manchester and Leeds, he believed, and the North Midland. The proposed line was to run across from one to the other, and so place his house in the centre of a small triangle. He naturally objected to the destruction of his seat, which must ensue if the Bill were sanctioned in its original shape; but, notwithstanding the great beauty of his property, he was told by the Committee that inasmuch as the public convenience required it for the purposes of the railway, his objection must be overruled, and he must be content to accept what was deemed the worth, by a fair valuation of the property; although in truth to him it was impossible to fix its value. He knew another case of a similar kind. He alluded to the case of a gentleman which, perhaps, might be known to some Members of that House. His property was situate in Devonshire, close to the sea; the railway ran between his house and the sea; and he believed he might almost say that that gentleman died of a broken heart, in consequence of the destruction of his property thus occasioned. He recollected that about three years ago, the House passed an Act for the construction of a park in Battersea. By that Act some three or four hundred acres were to be taken, under compulsory clauses, from the owners for the construction of a park. And what great public necessity was there for those powers? There was no overruling necessity at all. There was the knowledge that it was desirable at some future day, whenever that neighbourhood was likely to become populous, to construct a park for the recreation of the inhabitants; and the Government, without any objection on the part of the House, introduced a public Bill, for the purpose of obtaining compulsory powers with regard to the procuring of land at Battersea for that purpose. And in the same year another Act was passed for widening Piccadilly—no doubt a very desirable thing; but there again was an interference with the rights of private property — he believed, with those of one of the hon. Members for the city of London, Baron Lionel Rothschild, whose land interfered with the projected improvement. Now, he did not pretend to dispute the justice of those proceedings; but he said, while he thought they could fully justify and uphold them upon sound principle, they were bound fully to act upon that principle in other cases; and he defied them to draw a just distinction between the present case and those to which he had just alluded. The case which he had brought before them was one of the highest importance to these poor people and to the public generally in Scotland; and he warned them that not only the health but the morals of these poor people would be grievously endangered if the House refused to assist them in obtaining proper places for the performance of divine worship. Let him read to them what was stated by a gentleman whose name must always carry weight with it, and who had a European reputation for having devoted a long life to the advancement of the best interests of his fellow-creatures — he meant the late Dr. Chalmers. That gentleman was asked whether, in his opinion, the continued refusal to grant sites to the congregations of the Free Church of Scotland would have a tendency to prevent the progress of that Church? His answer was—

> "I think it may perhaps have rather the reverse effect, and that it may not injure the Free Church: in point of fact, I believe it has drawn a good deal of sympathy and support in favour of the Free Church from those whom such a system as that of the refusal of sites is calculated to revolt. But though it may not injure the Free Church, I think it may effect an injury of a far more serious description in those districts where such a system prevails; it may have the effect of debarring the people from the benefits and blessings of a Christian ministration; and I consider that the injury to the Free Church is a mere bagatelle, as compared to the injury to the moral and religious interests of the districts where such a system prevails."

He (Mr. Bouverie) believed that statement to be most true. And as to the physical injury, a member of the Edinburgh College of Surgeons, who was examined before the Committee, was asked whether, in his opinion, injury to the health had been inflicted upon members of the Free Church attending divine worship in the open air during winter? and he answered, that in the districts in which he resided, at least fifty such cases had occurred to him in his practice, which he attributed to exposure under those circumstances. It was rather remarkable that the Established Church of Scotland possessed compulsory powers with respect to the procuring of sites for places of worship. He believed that the law in that respect was practically dormant, but it might be brought into operation at any moment. By that law, the Court of Session, upon proper application to that effect, had the power of compelling the owners of land in a parish to give (without compensation) sufficient land for the erection of a church and manse. Well, then, he contended that if that power existed with regard to one Church, they had no right to refuse it with regard to another. There was a strong case of grievance made out, which they were bound to relieve, if they could apply to it a just and fitting remedy. It was no new or unheard-of proposal. Without troubling the House with a list of learned authorities, he could state that modern canonists and civilians were undoubtedly of opinion, that if the erection of a church or a monastery were deemed necessary to the interests of any particular district, the civil law gave compulsory powers for the procuring of land for such purpose. The process of taking it was very similar to the one proposed by him. He could show them, then, that this was a power which was acknowledged by the jurists of other countries as a just and reasonable one. He had shown them the present state of things with regard to these people; and he asked them, were they willing to incur the responsibility of refusing the remedy which he proposed they should grant? He had purposely abstained from entering into all irritating topics, as regarded either the cause of these refusals, or the circumstances which attended that great secession of which he had spoken. He thought the case stood altogether irrespective of them. It was with the facts with respect to the present condition of the people that they ought to deal. They knew from evidence that they were a peaceable, godly, Christian, and moral people; and again he asked the House whether it was willing to incur the responsibility of keeping such a people in this state of suffering, rather than accept the remedy which he proposed to them? He begged leave to move the second reading of the Bill.

The House divided:—Ayes 80; Noes 25: Majority 55.

List of the AYES.

Armstrong, Sir A.
Baines, M. T.
Bernal, R.
Bowring, Dr.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Burke, Sir T. J.
Clay, J.
Clements, hon. C. S.
Colebrooke, Sir T. E.
Cowan, C.
Craig, W. G.
Crawford, W. S.
Dalrymple, Capt.
Dawson, hon. T. V.
Drumlanrig, Visct.
Dundas, G.
Evans, W.
Fergus, J.
Ferguson, Sir R. A.
Foley, J. H. H.
Fox, R. M.
French, F.
Glyn, G. C.
Granger, T. C.
Hall, Sir B.
Hardcastle, J. A.
Hastie, A.
Hayter, W. G.
Heywood, J.
Hindley, C.
Hornby, J.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Jones, Capt.
Keppel, hon. G. T.
King, hon. P. J. L.
Lincoln, Earl of
Lindsay, hon. Col.
Loch, J.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Maitland, T.
Marshall, W.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Mitchell, T. A.
Moffatt, G.
Ord, W.
Patten, J. W.
Pilkington, J.
Power, Dr.
Power, N.
Rawdon, Col.
Reynolds, J.
Romilly, J.
Russell, F. C. H.
Shafto, R. D.
Sidney, Ald.
Smith, J. B.
Smollett, A.
Somerville, rt. hon. Sir W.
Spooner, R.
Stansfield, W. R. C.
Stuart, Lord J.
Sullivan, M.
Tennent, R. J.
Thicknesse, R. A.
Thornely, T.
Traill, G.
Trelawny, J. S.
Tynte, Col.
Wawn, J. T.
Wilson, M.
Wortley, rt. hon. J. S.

TELLERS.
Bouverie, hon. E. P.
Ewart, W.

List of the NOES.

Barrington, Visct.
Benbow, J.
Carew, W. H. P.
Christopher, R. A.
Clerk, rt. hon. Sir G.
Compton, H. C.
Drummond, H.
Duncombe, hon. A.
Du Pre, C. G.
Elliot, hon. J. E.
Estcourt, J. B. B.
Fuller, A. E.
Gordon, Adm.
Granby, Marq. of
Greene, T.
Henley, J. W.
Hodgson, W. N.
Hope, Sir J.
Lockhart, A. E.
Oswald, A.
Scott, hon. F.
Seymer, H. K.
Sturt, H. G.
Thompson, Col.
Trollope, Sir J.

TELLERS.
Cochrane, A. D. R. W. B.
Mure, Col.

Bill read a second time.

On the question that the Bill be committed,

Mr. STUART WORTLEY said, that he should be sorry if the question were dismissed before he had offered a few observations on it. He trusted his hon.

Friend would be able to discover some mode of arriving at the same end—an attempt in which he would be ready to assist him, without going the length of the Bill which his hon. Friend now proposed. He had opposed the appointment of the Committee last year, because he thought that its appointment would only keep alive the spirit of opposition, which was dying away. He thought, if that Committee had not been appointed, many of the persons who refused to grant sites for churches would have yielded. But the pressing of the question had the effect of keeping the spirit of the controversy alive. For his own part, he was quite prepared to say, that where so large a number of people found themselves in the painful position of numbering amongst them large, respectable, and pious congregations, who could not find a decent place for worship, it was the duty of the Legislature of the country to find some remedy for so great and extensive an evil. But the question was, whether, to meet the evils of a particular case, it would not be sufficient to provide a remedy for the case itself, and not to enact a law, by the operation of which other sects, not so deserving support as the pious members of the Free Church, would be entitled to make similar claims. He urged his hon. Friend not to seek for so general a measure, but to confine his attention to the case before them; and he would beg of his hon. Friend to look at the possible operation of the measure he now proposed. Let him suppose a case in which a sect, not of so innocent a nature as that of the Free Church, were to find itself similarly circumstanced. Let him suppose that they might not even be Christians who composed it; or, if Christians, persons professing tenets and principles of so objectionable a character to all holders of property, that no one would wish to permit their settlement in his neighbourhood. Surely such a case would be so very different as not to be entitled to share the benefits of that Bill. They had had an instance of the mode in which legislation was made applicable to special cases in the matter of the Dissenters' Chapels Bill, where the remedy was applied directly to the grievance complained of. On that principle he had given his assent to the second reading; but he hoped that his hon. Friend would limit the provisions of the Bill in Committee to the special grievance of the Free Church of Scotland alone.

Mr. ELLIOT said, that he believed the House had been taken by surprise in going to a division on the second reading; but having voted against the Bill, he wished to explain the reasons which had influenced him in doing so. There was no man in the House more anxious than he was to see the Free Church of Scotland possessed of sites for places of worship; and no man who more strongly condemned those by whom that privilege had been resisted; but his objection was to the Bill itself. He thought that the Bill had been brought in ostensibly for the purpose of providing sites for Free churches alone; but instead of that he found it to be a general Bill providing for every possible religious denomination of which a hundred members might be got together. All these were to have a power of compelling landowners to give them sites for places of worship. His hon. Friend, in moving the second reading of the Bill, had alluded to the case of railways as an instance of the compulsory sale of land; but it should be recollected that an application must be made to Parliament in the case of each railway company before the compulsory sale of land was permitted; whereas by this Bill no application to Parliament would be necessary, but wherever 100 persons, no matter what extent of country they might be spread over, could be got to join in an application, they could insist on as many sites for places of worship as they wished to erect, and it would not be in the power of the sheriff and Court of Session to refuse them. It was clear that under such a Bill, chapels would be established merely for the purpose of propagandism when no considerable congregation would exist. When the separation of the Free Church from the Establishment took place, a great deal of violent language had been indulged in. It had been stated that a Free church would be opened near every Established church in the country, for the purpose of preaching it down; and though such language had been since repudiated, it was clear that persons warmly attached to the Established Church must have been considerably annoyed by it. The number of proprietors who still refused sites to the Free Church was exceedingly small; and he did not see why each of these cases should not be brought forward as a separate case, instead of passing a general measure that would let in all denominations whatever.

Mr. CHRISTOPHER objected to the

Bill on general grounds. He thought that it was one of the most direct attacks upon property that had ever been introduced in that House. He could not but regret that no Members of Her Majesty's Government had been present when the division took place, to state what were the views of the Government with regard to it; and he hoped that before the debate closed, either the noble Lord at the head of the Government, or the right hon. Baronet the Secretary of State for the Home Department, would give some explanation to the House upon this subject. If this Bill passed into a law, how could they refuse a similar favour to the numerous classes of Dissenters in this country, or to the Roman Catholics in Ireland? The Roman Catholics would have a right to compel proprietors of land to afford them sites for their chapels whenever they required them; and if the measure were just with regard to the Free Church, it would be equally just with regard to the Roman Catholics, or the Unitarians, or any other class of Christian Dissenters in this country. On these grounds he should object to the whole Bill; and, as he had already said, if it were to pass at all, he would prefer seeing it pass in its present shape, to having it altered in the manner suggested by his right hon. and learned Friend the Member for Bute.

Sir GEORGE GREY said, that it certainly had been his intention to have been present at the second reading of the Bill; and he had attended in the House at the early part of the day for that purpose. He had been obliged, however, to leave the House for a short time on public business; and he was much surprised to find that, during his absence, a division had taken place without any debate. If a debate had taken place, he should have been prepared to express his opinions on the question; but the House having decided by a large majority in favour of the second reading of the Bill, the present debate was, he thought, rather irregular, and he was of opinion, that it was better to wait until the Bill reached the next stage before stating the course which he was prepared to pursue with regard to it. At the same time he was ready to admit that he saw great difficulties in the way of any legislation on this subject. When his hon. Friend had brought forward his Motion for a Committee on this subject, he took occasion to state what the nature of those difficulties were; and the House having agreed to the appointment of that Committee, he had entertained a strong hope that the inquiry would have led to a remedy for what he should say were the very serious grievances of which the Free Church complained, without any further interference on the part of the Legislature being necessary. He understood that the cases in which sites were still refused were not so numerous as when the subject had been before the House last; but still he was informed, though he could not vouch for the information which had reached him on the subject, that there were from thirty to forty instances in which large districts, inhabited by numerous members of the Free Church, were yet left without sites for places of worship. If, as he feared, there were no hope of the just complaints to which his hon. Friend had alluded, as existing on this subject being removed, he could not deny that a grievance existed with which Parliament would have to interfere. That grievance was, however, of a limited kind, and he understood that the members of the Free Church were willing to accede to any arrangements by which their object could be accomplished. Whether the course taken by this Bill was the most reasonable one that could be adopted, was a subject for consideration in Committee; but though he saw all the difficulties which attended legislation on the subject, and though he had hoped that the object would have been obtained without direct legislation, he could not regret to find that the House had expressed so decided an opinion in favour of the second reading of a Bill for providing a remedy for so serious a grievance.

Mr. B. COCHRANE: The right hon. Baronet the Secretary of State for the Home Department had stated that the question had been virtually settled by the very large majority on the division for the second reading; but he could assure the right hon. Gentleman that the House had been quite taken by surprise on that division. There were many Members who had intended to address the House, but did not even know that the speech of the Mover had been seconded. He was surprised at the tone taken by the House on a question of such vast importance. If no one else ventured to say so, he did not scruple to assert that a more mischievous, a more arrogant Bill had never been introduced to that House. Hon. Members seemed to forget the history of the Free Church of Scotland; that it was a Church nurtured in revolution; and that it sprang into existence with the Reform Bill and the French Revolution of 1830. Nothing was more arrogant and presumptuous than its pretensions. They had refused every compromise—they rejected Lord Aberdeen's Bill, although that noble Lord said that the parties objecting to the clergyman should only be required to state the grounds of their objections, and however futile these might be, even extending to the colour of the man's hair, they should be admitted; but they would not accept this, and demanded the power of rejecting any and every minister, without stating any objection whatever to him. He had that day met with a passage in Milton which very curiously foretold the increase of ecclesiastical tyranny, and, singularly enough, associated with it the name of the present Lord Advocate, the chief supporter of this Bill:—

> "Was it for this you bid us sheathe the sword,
> To force our consciences, which Christ set free—
> And load us with a priestly tyranny,
> Led by ambitious men like Rutherford?"

It was quite monstrous to ask the House to pass such a measure as this, when the very parties who brought it forward admitted that these Free Kirk men had already obtained 700 or 800 sites for churches; that only thirty-one had been refused; and he had a paper in his hand, which he would not trouble the House to listen to, but which proved that these thirty-one had dwindled down to fourteen. Why, what were they demanding? To compel a man who conscientiously differed with them to have a church opposed to the Established Church in the same village and parish, thus opening the door to every kind of dissension and misery. And then, why had the schism ever arisen? Simply because the members—the leaders of the Free Kirk party—were arrogant, ambitious men: he would not except Dr. Chalmers. All they wanted to do was to obtain the whole patronage of the Church of Scotland; for their modest request was, that after a certain period the right of presentation, *jure devoluto*, should be vested in the Church courts; but the truth was, that the term Church should never be applied to such a sect. If, as Mr. Burke so happily said, "All Protestantism was dissent from the Roman Catholic Church, and Presbyterianism was the dissidence of dissent;" what term could be invented low enough to describe the Free Kirk of Scotland, who differed with the Established, not upon a question of doctrine, but of patronage? and the agitation was created by the very men who only possessed the power of agitation through that very patronage. He (Mr. Cochrane) feared the time was approaching prophesied by Dryden—

> "When the Presbyter, puff'd up by spiritual pride,
> Should over the necks of the great nobles ride."

But, for his part, he would give every possible opposition to a measure to confer privileges on such a republican, presuming, and arrogant body of men.

COLONEL THOMPSON wished to know what was the necessity for this extraordinary proceeding on the part of the Free Church of Scotland? It had been his fortune to be brought up among a religious body, who, though most numerous, had never thought it necessary to apply to Parliament to assist them in procuring the means of exercising their religious worship. The Methodists, in all their agitation, never sought for any such aid. The conduct of the Free Church of Scotland, on the other hand, would remind one of the man whose horse had died, and who, after describing the numerous means that he had tried in vain, was asked if he had ever tried corn? In the same manner he would ask the members of the Free Church, if they had ever tried holding religious worship in their own houses, or building churches on their own ground? Had matters gone so far that sites for churches could not be obtained in Scotland, either for love or money, which were so powerful everywhere else? He was as friendly to religious liberty as any man possibly could be; but it struck him that it was for the interests of religious liberty in general that some resistance should be made to a proposal of the nature now submitted to the House. At all events, he wished to have time to consult his friends in the Dissenting interest, in order to ascertain whether, in their opinion, their cause could be advanced by a demand of this kind. He had heard of "the demands of the Establishment;" but here was a new establishment, whose demands, he believed, had been fairly described as a religious tyranny. Being such, he hoped they would not only be resisted, but resisted to the utmost, so that no Member should consent to them until he was perfectly convinced of the necessity for supporting so novel an application.

MR. OSWALD considered the reasons

assigned by the hon. Member who moved the second reading of this Bill insufficient, and many of them illogical. The report of the Select Committee mentioned only eight congregations in Scotland, where the people were, at this moment, worshipping without a house to shelter them. Thirteen congregations only met in rooms, six were without ministers; there were five concerning whom there was no information either in the report or in the evidence; and one congregation to whom a site had been offered upon conditions. He contended that such a state of things as was here pointed out did not justify the application for the present measure. In fact it was a Bill to provide church accommodation to eight congregations only, and to grant it to them, also, without any reference to the Christian religion. He was not prepared to pass such a law as this without hearing more cogent reasons in its support than had yet been advanced. On looking over the reports issued by the Committee on Public Petitions, he found that up to the 8th instant, sixty-five petitions, with 7,845 signatures, had been presented on this question; and in all but two instances they prayed for "sites for Christian congregations." Whatever might be the spirit of the Church of Scotland, or that of the Free Church, it was certain that neither of them had a latitudinarian spirit; and he greatly doubted if his right hon. Friend (Mr. Fox Maule) would venture to say that the majority of the members of the Free Church would have signed those petitions in favour of the present Bill, if they had known it was a Bill not only for allowing but for compelling proprietors to give up their lands to any denomination of fanatics who pleased to assemble together to the number of one hundred. The case of the Free Church was special and exceptional; and he did not think that, for the sake of meeting a special and exceptional case, a general measure ought to be passed. Holding this view, he should move in Committee, if the Bill arrived there, that it be extended to "Great Britain and Ireland."

MR. COWAN defended the late Dr. Chalmers against the remarks of the hon. Member for Bridport (Mr. B. Cochrane), and added that he should not have supported the measure if there had been any other mode of obtaining the desired object. Public opinion had been brought to bear upon the site refusers; yet there was not, after all, the slightest indications of the Free Church congregations obtaining that right to which both by the laws of God and man they were justly entitled.

COLONEL MURE said, he should have supported a practical and specific measure to meet this special grievance, if one of that character had been proposed; but he strongly objected to providing for a special case by a sweeping enactment like the present, which interfered, unnecessarily, with the rights of property, and also with those of conscience.

MR. F. MAULE was not sorry that this discussion had taken place, because, notwithstanding the resistance which had been manifested, it was evident that the purpose of the measure had made great progress. All admitted that a grievance was existing; and all seemed to admit that a remedy ought to be applied. The only difference was as to the nature of the remedy. No one regretted more than he did the necessity for a Bill which appeared to have for its object the compulsory taking of land for such a purpose as building sites for churches. But after waiting and weighing the subject for five years, in the hope that the proprietors would of their own accord have volunteered something, he had been unable to discover any means, save such as the present Bill afforded, by which the grievance could be remedied—a grievance, let the House remember, not felt by a few individuals; but by nearly 1,000,000 of religious persons — a grievance, too, which, in his opinion, the proprietors of land, not in Scotland only, but everywhere else, would do well to remove from the long category which at present possessed the public mind. With respect to the Bill itself, he owned that he laboured under considerable difficulty as between the different opinions that had been expressed concerning it. Some hon. Gentlemen had stated that if the Bill were made a specific measure for the Free Church of Scotland only, they would support it; whilst others had said that if it were applied to the Free Church, it must equally be adapted to other Dissenting bodies. His own opinion was—and it was the opinion also of the body to which he belonged—that there was no objection to applying the same principlee to other Dissenting bodies as to the Free Church. Their opinion was, that every congregation should have the means of worshipping God after their own consciences under decent and respectable protection afforded them by the law. After much consideration, he certainly had come to the conclusion that the present Bill afforded the only effectual remedy that could be found; and he was sure every precaution had been taken to render it as little inconvenient to the proprietors as possible. Should it be the pleasure of the Committee to confine the operations of the Bill to the Free Church alone, of course the Free Church could not object to that; but their principle was, that it should be extended to every Dissenting body.

Mr. HENLEY said, if the Bill had been intended to have applied to the Free Church alone, he should not have thought it necessary to say one word about it; but they had the express declaration of the right hon. Gentleman who had just sat down, that in his opinion the Bill ought to be a general one; but if it were a general measure, it could not be confined exclusively to Scotland. A measure of this description, so extensive in its operation, could only be justified by a very strong case. Such a case had not, in his opinion, been made out; and that was the reason which had induced him to vote against the second reading.

Mr. F. SCOTT believed that if the question had been allowed to rest, the proprietors would at length have yielded sites in localities not inconvenient to themselves, and suitable for the congregations. It was well known that originally almost all the landed proprietors of Scotland had been opposed to granting sites for Free churches. If, however, in the course of four years that number had been reduced to eight; and, if 700 congregations had already obtained sites, and there were only thirty congregations now requiring them; surely, he thought, the matter might well have been left to the common sense of the proprietors, and that he was warranted in saying that had the subject been allowed to rest, the proprietors would have yielded suitable and convenient sites. He was certainly of opinion that a general measure of this sort was very objectionable. He would recommend that the Bill should be confined to the Free Church; and, further, that it should be made a special Bill for those cases only where sites had been refused.

The Bill ordered to be committed.

SLAVE TRADE COMMITTEE.

Mr. HUTT moved, that Mr. Cobden be discharged from attendance on the Slave Trade Committee, and that Mr. Cardwell, Sir Fowell Buxton, and Viscount Brackley be added to the Committee.

Viscount PALMERSTON: I think it would be advantageous that a naval officer should be appointed as one of the Committee. I admit that there is a general expectation that Sir Fowell Buxton should be added to the Committee; but there should be also some person acquainted with naval matters. For what is this Committee appointed? To inquire whether any other better methods can be adopted than those which are now adopted for the suppression of the slave trade. I do not wish to give currency to any prejudices which may exist; I do not believe that any British subjects are indirectly concerned in this abominable practice; and I am convinced that, directly, no parties are concerned in this traffic. But, on the other hand, I am afraid that, indirectly, there are no inconsiderable bodies of British subjects who look with less disfavour on this slave trade than I should do. To speak plainly, if there is any part of the United Kingdom where mercantile transactions may be supposed to connect themselves, in some way or other, with the slave trade, it is Liverpool. Goods which are employed for the payment of slaves, either go to Brazil, and are from thence conveyed to the coast of Africa, or, in some cases, are sent direct to the coast of Africa, not to the persons who exchange them for slaves, but are consigned to persons who act for other individuals in other countries who are concerned in the slave trade. The representative for Liverpool is no doubt quite as free to exercise his own judgment in this matter as many other Members would be; but Liverpool is already sufficiently represented in this Committee. There is one hon. Member, the Member for Oxford, who, by his personal acquaintance, is perfectly competent to represent any matter in which the legitimate interest of the town of Liverpool may be concerned. There is also another Member connected with Birkenhead, next door to Liverpool, who is also upon the Committee, and from whom we have had a very good specimen in this House, of the great ability with which the hon. Member is competent to present any matter which he wishes to bring under the consideration of any judges. If the hon. Member opposite will take in good part that which I can assure him I mean in good part, I should say, that my hon. Friend behind me, the Chairman of the Committee (Mr. Hutt), would meet my objection, and the objection of my hon. Friends—would kill two birds with one stone, by taking a naval officer instead of the hon. and learned Gentleman. Perhaps a naval officer, who was also a Member of the Government to which the hon. and learned Gentleman belonged—my gallant Friend Admiral Bowles—who, from his professional knowledge, will be able to give useful information, will not be objected to by the hon. and learned Gentleman. I move it without disrespect towards him, not doubting that he will give a sincere judgment on the matter. I should therefore propose to substitute the name of Admiral Bowles for Mr. Cardwell.

Mr. CARDWELL said, that he should be the most unreasonable person in the world if, after the manner in which the noble Lord had been good enough to make this proposal, he did otherwise than take it in good part; but then the noble Lord must allow him to say, that the part he took in this House must be directed, not by personal feelings as regarded himself, but feelings of duty as regarded the community which he represented; and he did not at all take in good part the observations of the noble Lord as to the bill of indictment which he had thought proper to prefer against his constituents. The objection taken against him as serving on this Committee was, with the most abundant courtesy, placed by the noble Lord upon no personal considerations; but, in terms the most distinct, the noble Lord laid down that neither he (Mr. Cardwell) nor his Colleague were, as Members for Liverpool, persons free to be trusted to give a fair and independent opinion on the best mode of repressing the slave trade. And the reason why they were not so to be trusted was this. The noble Lord acquitted the mercantile body of Liverpool of any direct participation in the African slave trade; but he said, that such were the ramifications of interest through which the trade was carried on—so largely was there an indirect interest of British capital engaged in the prosecution of the slave trade—that the merchants of England, and of Liverpool in particular, were not free to give their opinion in a temporary Committee with respect to putting an end to the slave trade. Now, if the noble Lord had come forward, and preferred a bill of indictment against Her Majesty's Ministers, because they had thought proper to bring in, in the year 1846, a Bill for the alteration of the duties on Cuban and Brazilian sugar; because, in the various ramifications of interest by which the slave trade was conducted, it was perfectly manifest that increased importation of sugar from Cuba and Brazil would necessarily lead to increased importation of slaves from the coast of Africa into Cuba and Brazil; and that, therefore, no Member of Her Majesty's present Government was fit to be a Member of the Committee on the slave trade; and further, that no such Member of the Government was fit to be entrusted with the seals of the Foreign Department, to which department was entrusted the duty of superintending the suppression of the slave trade—

Mr. SPEAKER (interrupting Mr. Cardwell): Six o'clock having arrived, the House is adjourned.

HOUSE OF LORDS,

Thursday, May 18, 1848.

MINUTES.] *Took the Oaths.*—Several Lords.

Sat first.—The Lord Cowley, after the Death of his Father.

PUBLIC BILLS.—2^{a} Smoke Prohibition.

Reported.—Insolvent Debtors (India); Maxwell's Restitution.

PETITIONS PRESENTED. From the Protestant Inhabitants of Lislee, Dunmanway, and Kilroan, in favour of the System of National Education (Ireland).—From the District of Glanmire, for the Imposition of the Severest Penalties on all those Roman Catholic Priests who shall Denounce Persons from the Altar.—By the Bishop of Durham, and Bishop of Oxford, from the Members of Wesleyan Methodist, Independent, and other Dissenting Congregations against the Sale of Intoxicating Liquors on Sundays.—From Justices of the Peace, and Others, against the Registration of Births, &c. (Scotland) Bill.—From the Presbytery of Perth, against the Diplomatic Relations, Court of Rome, Bill.—By Lord Campbell, from the Presbyterian Congregations of Free Saint Mary's and Free East Church of Aberdeen, for Facilitating the Attainment of Sites for Churches.—By Earl Fitzwilliam, from the Clergy of the County of Buckingham, and numerous other Places, against the Jewish Disabilities Bill.—By the Earl of Haddington, from the Magistracy of Haddington, Jews of Leeds, and a number of others, in favour of the Jewish Disabilities Bill.—From the Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for the Extension of the Privileges of the Benefit Societies Act to that Order.—From the Parish Schoolmasters of Hamilton, and several other Places, for Alteration of the Present System of Parochial Education, Scotland.—From the Electors of Edinburgh, in favour of an Extension of the Suffrage.—From the Magistrates and Council of the Burgh of Haddington, for a Revision of the Laws relating to the Currency.—From the same Place, for an Alteration of the Law relating to Prisons (Scotland), with regard to the Mode of Assessment.—By the Duke of Buccleuch, from the Irish National Teachers' Union, for the Allowance of Retiring Pensions to Meritorious Schoolmasters in Ireland.—From the Guardians of the Poor of the Doncaster Union, against the Poor Removal Act.—From the Ratepayers of Rotherham, for the Prevention of the Increase of Professional Mendicity.

SCHOOLMASTERS (SCOTLAND).

LORD **WHARNCLIFFE** presented a petition from the parish schoolmasters of Scotland, and put a question as to the grants by the Committee of Privy Council for Education under the Minutes of Council of 1846 to parish schoolmasters in Scotland. The noble Lord was wholly inaudible.

The MARQUESS of **LANSDOWNE** found, on inquiry, that several applications had been made both for advances to schools and to schoolmasters in Scotland to the Committee; and twenty-eight of those applications were at present under consideration. With regard to the examination proposed to be instituted into the qualifications of schoolmasters, preparations were making for the appointment of proper persons to conduct such examinations in various parts of Scotland. Persons had been already appointed for that purpose in Glasgow, and were at the present moment engaged in conducting the examinations.

The MARQUESS of **BREADALBANE** complained that the members of the Free Church had been charged with withdrawing their support from the parochial schoolmasters. He did not believe the charge. So alive were the people of Scotland to the importance of securing a good education, that the members of the Free Church would send their children to those schools in which they could secure for them the best education. With respect to the question of an augmentation in the salaries of the parochial schoolmasters of Scotland, he should certainly object to it, unless the office of parochial schoolmaster were thrown open to members of the Free Church, who constituted the great majority of the people. At the present moment no one was eligible to the office of parochial schoolmaster in Scotland who was not a member of the Established Church. There was one method he thought by which all branches of Presbyterians in Scotland might be united, and that was by adopting as the test the Shorter Catechism.

House adjourned.

HOUSE OF COMMONS,

Thursday, May 18, 1848.

MINUTES.] NEW WRIT. For Cirencester, *v.* William Cripps, Esq., deceased.

PUBLIC BILLS.—1° Tobago Relief and Immigration into British Guiana and Trinidad.

2° Borough Elections (No. 2); Incumbered Estates (Ireland).

PETITIONS PRESENTED. By Mr. Hodgson, from Carlisle, against the Borough Elections (No. 2) Bill.—By Mr. Cowan, from Members of the Free Synod of Angus and Mearns, respecting *Quoad Sacra* Churches (Scotland). By Mr. Cobden, from the Wesleyan Methodists of Penistone, West Riding of York, and by other Hon. Members, from a great Number of Places, for a Better Observance of the Lord's Day.—By Mr. Anderson, from the Presbyterian Congregation in Stromness, and by other Hon. Members, from several Places, in Favour of the Places of Worship Sites (Scotland) Bill.—By Mr. Alexander Hope, from Maidstone, for Repeal of the Duty on Attosneys' Certificates.—By Mr. Cowan, from the Magistrates and Council of Edinburgh, for Inquiry into the Excise Laws. —By Mr. Moody, from the Parish of Martock (Somerset), in Favour of the Agricultural Tenant Right Bill.—By Mr. Hume, from several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for an Extension of the Benefit Societies Act.—By Sir Willoughby Jones, from Cheltenham, against the Diplomatic Relations, Court of Rome, Bill.—By Sir J. Y. Buller, from several Clegymen of the Deanery of Ippleden, Diocese of Exeter, for Alteration of the Law of Education.—By Captain M'Clintock Bunbury, from Carlingford (Louth), and by other Hon. Members, from several Places, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Viscount Morpeth, from Louth, for Sanitary Regulations.—By Mr. Grogan, from Copying Clerks of the Rolls Office of the Court of Chancery in Ireland, for Compensation in reference to the Incumbered Estates (Ireland) Bill.—By Mr. Eliott Lockhart, from Commissioners of Supply of the County of Lanark, against the Lunatic Asylums (Scotland) Bill.—By Mr. William Fagan, from Cork, for Regulation of the Medical Charities (Ireland).—By Viscount Bernard, from Landholders, and Others, of the County of Cork, against the Municipal Corporations (Ireland) Bill.—By Mr. Collins, from Warwick, for Alteration of the Public Health Bill.—By Captain Fordyce, from Aberdeen, respecting the Suggested Loans for Railways (Scotland).—By Colonel Lindsay, from Wigan (Lancaster), in Favour of the Remedies against the Hundred Bill.—By Colonel Rolleston, from the Parish of Arnold (Nottingham), for Alteration of the Law of Settlement.

PUBLIC HEALTH BILL.

On the Motion that the Speaker do leave the chair to go into Committee on the Public Health Bill,

COLONEL **SIBTHORP** said, that he had already announced his intention to oppose the present Bill in every stage of its progress. His antipathy to the measure was not in the least abated. How was it possible that Members could come to a right and proper discussion on a Bill containing 150 clauses, when a copy of it had only been delivered to hon. Gentlemen that morning? He would object to the measure on the ground of undue haste; he would object to it on the ground of its centralising character; and he would object to it because he believed that it was a rank Government job. He was one of those independent Members of that House who did not wear a Government livery, and he was not afraid to speak out. The measure would entail a most heavy expenditure on the country, which was wholly unnecessary. The Government had not stated what was to be the amount of the salaries to the officers whom they proposed to appoint under the provisions of this measure. Now this was a species of information which they ought to have placed before them. He had no doubt that some snug berths would be given to the friends and *protegés* of the Government. He believed that a Mr. Chadwick was to be appointed to the head of the Commission. Of the conduct of that gentleman he did not approve when he was connected with the Poor Law Commission. But he had heard that he was to be appointed: why not inform the House what was to be the amount of salary he was to receive? He was resolved to oppose every clause of the Bill, and to take the sense of the House upon it. He might be told that this would be giving a factious opposition; but he did not care so long as he considered that he fulfilled his duty. He hated commissions, he hated jobs, and he suspected all Governments. If such a Bill was necessary, why was it not brought forward years ago? Or if it was necessary for one portion of the kingdom, was it not equally so for London and Westminster? It appeared to him that there was an evident disinclination to include either of those cities, and it was their duty to make the first reformation there where it was most wanted. He would move that the House go into Committee upon the Bill that day six months.

Lord JOHN RUSSELL recommended the House to go into Committee at once. It was quite impossible to have any useful discussion upon amendments or alterations unless they were in Committee.

Mr. MACKINNON said, the hon. Member for Exeter had said that the noble Lord had adopted the Bill of Mr. Chadwick. Now that was not a fair remark. Mr. Chadwick had been called upon about four years ago, by the Home Secretary of the late Government to make a report upon the health of towns. He produced, accordingly, a very able report upon the sanitary condition of the metropolis, and upon the subject of interment in towns. Mr. Chadwick, therefore, had been brought forward by the late Government; and when the present Government came into office, to whom could they more reasonably go than to Mr. Chadwick? The noble Lord had, throughout the entire discussion, showed the most perfect willingness to adopt suggestions from any one when they were reasonable in their character. He had adopted some suggestions from Mr. Chadwick, in the same manner as he had done those of Mr. Henley. He trusted that they would immediately go into Committee, and that the hon. and gallant Member for Lincoln would withdraw his Motion.

Mr. DIVETT said, that as the hon. Member for Lymington had charged him with stating very exaggerated facts relative to Mr. Edwin Chadwick, it was necessary for him to restate what he had said, and the grounds on which he had said it. What he had stated was, that the greatest exaggerations had been got up, through the means of Mr. Chadwick, with reference to the Bill, and that the Government were trying, by means of these exaggerations, to obtain powers, with reference to towns, which they ought to exercise with the utmost rigour in respect of the metropolis itself. The hon. Member read a letter from Exeter, giving an account of Mr. Chadwick's exaggerations, stating that the local commissioners had laid out upwards of 100,000*l.* on that city; that no town in the kingdom was better drained or ventilated; that a considerable decrease of sickness and deaths had lately taken place; and that, indeed, a season was never remembered in which there had been less disease. It was, in fact (continued the hon. Gentleman), impossible to exaggerate the pains which had been taken to get up a case for interference with the country towns.

Mr. URQUHART did not think that Government were economising their time by pressing on this Bill. The measure was concocted in perfect ignorance of the laws with respect to the local administration of England; and the effect would be to give greater power than was apparent to the central board, while all power of appeal from the local boards to magistrates, petty sessions, &c., would be taken away. In looking over and comparing the measure with the Municipal Corporation Bill, he found many defects and omissions. There was no definition in the Bill of inhabitant householder, and no provision for the retirement, in rotation, of the members of the local boards. Again, no provision was made for voting. All such arrangements were left to the board. The expenses of elections of auditors were to be allowed or disallowed by the central board, as they thought proper; while there were no provisions for the appointment of a treasurer by the ratepayers; no power in the hands of the ratepayers for the removal of officers; no right of public meeting, or means of protesting against the proceedings of the board; no provision for the continuation of trustees under existing Acts; and no provision for the audit or publishing of accounts. The question was one of centralisation. He was sorry that the hon. and gallant Member for Lincoln had proposed to postpone going into Committee on the Bill to so long a date as that day six months; but were he to alter his proposition of postponement to a delay until this day next month, he (Mr. Urquhart) would cheerfully support it, in order that the Government might have time further to consider the matter. It was said that they who opposed the Bill were frittering away useful time, and sacrificing the health of millions, while they were—to use the word of the noble Lord—"wrangling" here. But the really philanthropic men were those who wished a public health Bill to be passed at once; not a clumsy, encumbered, and almost unintelligible Bill, but a simple and facile one, of universal and instantaneous application—one which should on the one hand grant the municipal bodies those sanitary powers which they needed; and which should on the other hand introduce, and if requisite enforce, laws subjecting those bodies to penalties in the case of their neglecting to put in operation for the improvement of their several districts the powers with which they were invested. He opposed this Bill in the discharge of a solemn duty, commissioned as he was by the whole of his constituency to present every obstacle to its progress. The noble Lord (Lord Morpeth) had stated on a former occasion that he had received a petition in favour of sanitary measures, signed by all the clergy and medical men of Stafford; but he believed that a deputation had waited upon the noble Lord, and had explained what the facts really were. The fact was that there was not a medical man in the town of Stafford who had not either petitioned against this Bill, or signed the requisition for the meeting at which such a petition was adopted; but a petition had been got up in favour of the measure by an apothecary, who was surgeon to an hospital, and who, he had no doubt, expected to be appointed to one of the offices to be created by the Bill. He opposed this Bill as an insult to the corporations of England; and he entreated the noble Lord to leave the regulation of sanitary measures throughout the country in the hands of the local boards.

The House divided on the question, that the word proposed to be left out stand part of the question:— Ayes 219: No 1; Majority 218.

House in Committee.

On Clause 1, describing the extent of the Bill, and excluding London and Westminster from its operation,

Mr. CARDWELL suggested to the Government that the great town which he had the honour to represent (Liverpool), possessing, as it did, several local Acts for drainage, sewerage, and water-works, should be treated like London, and exempted from the provisions of the Bill, until a special inquiry had been made into the state of the town, and into the way in which the present sanitary regulations were conducted.

The ATTORNEY GENERAL: The Bill would not be applied without inquiry, or without some direct application of the inhabitants wherever any local Acts existed for sanitary regulations. As to Liverpool, there was no analogy between the circumstances which affected it and those of London and Westminster, because the very complicated arrangements existing in the latter had no parallel in the few local Acts which had been passed for Liverpool. An inquiry into the state of affairs in London was now on foot, and there was a Bill in contemplation applicable to parts of the jurisdiction of London.

Colonel SIBTHORP said, it was plain enough why London was omitted from the operation of this Bill. The noble Lord at the head of the Government represented it, and he must go along, "jig-jogging," just as his constituents pleased, or there would be a quarrel between them. The city might be full of disease, and deaths might occur every day in consequence of the want of sanitary regulations; but nothing could be done to remedy it till the Commission made their report, and that would only be when the noble Lord wished it. He did not at all regret having divided the House: he had the satisfaction at least of having one honest man with him. But he could tell those hon. Gentlemen who were adverse to the Bill—and many of them were so—he had heard them since he came into the House expressing their dissatisfaction at it—that it would be too late to lock the stable when the steed was stolen—that they should have opposed it at once—and that not having been bold enough to do so, they must settle the matter with their constituents. It was useless to apply to the noble Lord (Lord Morpeth) for any alteration in the Bill. He had every confidence in the good intentions of the noble head of the Woods and Forests; but he would not be allowed to stir an inch unless he received the permission of the tutor on his right (Lord John Russell).

Clause agreed to.

On Clause 3 (for the constitution of a "General Board of Health," consisting of the First Commissioner of Woods and Forests, and of such two other persons as Her Majesty might appoint),

The Earl of LINCOLN said, he had given notice of his intention to move an alteration in this clause. He was not prepared, however, to move it at present, because the Bill was in a totally different position in consequence of the alterations which had been made in it. It was absolutely necessary that some central body should be appointed to carry out the enactments of the Bill, the Government having adopted the suggestion of the hon. Member for Oxfordshire (Mr. Henley) on a former occasion, and having assimilated the machinery of the Bill to that of the Inclosure Act. The question with respect to the nature of this central body, whether it would be necessary to appoint a new board, or to extend to the operations of this Act the superintendence of some body at present existing, was obviously for the consideration of the House. At present they were not ripe for the consideration of the question, and it appeared to him he would best consult the convenience of the Committee by postponing his Amendment until the report had been presented to the House. He begged to ask the noble Lord, therefore, if it was intended to have three unpaid Commissioners?

Mr. NEWDEGATE could not but regret that the Government, in acceding to the proposition of his hon. Friend (Mr. Henley), with respect to the adoption of the machinery of the Inclosure Act, had omitted that clause which was most essential and important—namely, that which made the Commissioners a temporary and not a permanent body. If Government wished to free themselves from the imputation of desiring to extend their patronage, and of putting a finger into everything, let them leave the affairs of each locality to be managed by the inhabitants, and withdraw those Commissioners as soon as they had set the Bill in working order.

Lord J. RUSSELL said, it was the intention of Government to leave the clause in its present state. With respect to the postponement of the noble Lord's Amendment, he certainly believed it was the best course that could be adopted under the circumstances of the case.

Mr. HUME declared his conviction that the Bill would be useless unless a paid Commissioner were appointed to carry out its provisions. The Chief Commissioner of Woods and Forests had quite enough to do already, without managing the affairs of the board. He would propose to appoint a paid Commissioner, with powers equal to those of the other Members of the board, for the others would soon relax in their attention to their duties.

Mr. MILES supported the proposition for a paid Commissioner, on the principle that the working of the Bill should be assimilated to that of the Inclosure Act.

Mr. URQUHART said, he felt it his duty, under all the circumstances, to move that the clause to establish a permanent board be postponed.

Mr. HUDSON was of opinion that the board should not be permanent nor central, but that the execution of the provisions of the Act should be left to the local bodies.

Viscount MORPETH said, there would be greater inconvenience in acceding to the proposition than in not complying with it.

The Committee divided on the question that the clause be postponed:—Ayes 45; Noes 145: Majority 100.

List of the Ayes.

Anstey, T. C.
Arkwright, G.
Baldock, E. H.
Bankes, G.
Bentinck, Lord G.
Beresford, W.
Boldero, H. G.
Brooke, Lord
Buck, L. W.
Cardwell, E.
Christy, S.
Clive, H. B.
Compton, H. C.
Disraeli, B.
Duncan, Visct.
Duncombe, hon. A.
Duncombe, hon. O.
Egerton, W. T.
Fitzroy, hon. H.
Forbes, W.
Fuller, A. E.
Galway, Visct.
Halford, Sir H.
Hall, Sir B.
Harris, hon. Capt.
Henley, J. W.
Hildyard, T. B. T.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Lincoln, Earl of
Lindsay, hon. Col.
Lowther, hon. Col.
Masterman, J.
Neeld, J.
Newdegate, C. N.
Pearson, C.
Pechell, Capt.
Pilkington, J.
Powlett, Lord W.
Sibthorp, Col.
Smyth, J. G.
Spooner, R.
Stuart, Lord D.
Sutton, J. H. M.
Turner, G. J.

TELLERS.
Hudson, G.
Urquhart, D.

List of the NOES.

Abdy, T. N.
Acland, Sir T. D.
Adair, R. A. S.
Aglionby, H. A.
Anson, hon. Col.
Armstrong, Sir A.
Arundel and Surrey, Earl of
Ashley, Lord
Baines, M. T.
Barnard, E. G.
Barrington, Visct.
Bellew, R. M.
Berkeley, hon. H. F.
Blackall, S. W.
Boyle, hon. Col.
Bramston, T. W.
Brown, W.
Burke, Sir T. J.
Busfeild, W.
Butler, P. S.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, W. G.
Clay, J.
Clay, Sir W.
Cobden, R.
Cockburn, A. J. E.
Conyngham, Lord A.
Courtenay, Lord
Cowan, C.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Divett, E.
Dodd, G.
Drummond, H.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Dunne, F. P.
East, Sir J. B.
Elliot, hon. J. E.
Evans, J.
Ferguson, Sir R. A.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fox, R. M.
Fox, W. J.
French, F.
Gardner, R.
Glyn, G. C.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, J.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Heald, J.
Heneage, G. H. W.
Heneage, E.
Henry, A.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Hume, J.
Jackson, W.
Jervis, Sir J.
Keppel, hon. G. T.
Kershaw, J.
Lemon, Sir C.
Lewis, G. C.
Loch, J.
Lushington, C.
Mackinnon, W. A.
M'Cullagh, W. T.
Maitland, T.
Mangles, R. D.
Marshall, J. G.
Martin, C. W.
Maule, rt. hon. F.
Mitchell, T. A.
Morpeth, Visct.
Mulgrave, Earl of
Muntz, G. F.
Nugent, Lord
Ogle, S. C. H.
Owen, Sir J.
Palmer, R.
Parker, J.
Pigott, F.
Pinney, W.
Power, Dr.
Power, N.
Price, Sir R.
Pugh, D.
Pusey, P.
Reynolds, J.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Sandars, G.
Scholefield, W.
Seymer, H. K.
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Slaney, R. A.
Smith, J. A.
Smith, J. B.
Smollett, A.
Somerville, rt. hn. Sir W.
Stanton, W. H.
Sturt, H. G.
Talfourd, Serj.
Tennison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Towneley, C.
Towneley, R. G.
Walmsley, Sir J.
Watkins, Col.
Wawn, J. T.
Williams, J.
Williamson, Sir H.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyld, J.

TELLERS.

Tufnell, H.
Hill, Lord M.

CAPTAIN HARRIS moved the omission of the words beginning "together with four other persons," down to "general Board of Health," both inclusive, his object being to place the Board of Health under the exclusive superintendence of the Chief Commissioner of Woods and Forests, instead of combining with him "four such other persons as Her Majesty by warrant under Her sign-manual should be pleased to appoint," as proposed by the clause.

VISCOUNT MORPETH could not assent to the proposed Amendment; for although he should, of course, do all in his power to cary into effect the wishes of the Legislature if it should be pleased to impose on him the exclusive burden of superintending the board, still the multiplicity of functions with which the First Commissioner was at present charged would render it impossible for him to pretend to take on himself fully, duly, and without the assistance of some person regularly attached to the board, to fulfil the duties which would be thus thrown upon him.

MR. NEWDEGATE was still of opinion that the centralising character of the Bill was injurious. By bringing local grievances into one focus, the Government would be falling into the error of a neighbouring country, which, in consequence of having for years centralised everything, ended by centralising discontent.

MR. P. HOWARD would remind the hon. Gentleman, that, by one of the clauses, it was necessary that the operations of the Act should originate with the local authorities, and upwards of one-tenth of the inhabitants. That, however, would be a matter for subsequent consideration. If the operation of the Bill were limited to five years, like the Tithe Act, the Enclosure Act, and the Poor Law Act, little injury could result from cntralisation. In case of the sudden appearance of cholera, or any violent disease, how important was it that some centralising power should exist, if it were only for the purpose of diffusing information, and preventing undue excitement and alarm!

Motion withdrawn.

VISCOUNT MORPETH observed, that the Government were really anxious to collect the sense of the House on the clause, and, as far as was consistent with duty, to act upon it. He admitted that much feeling had been expressed against a wholly unpaid board; but he trusted that the Committee would permit the clause to be proceeded with which affirmed the proposition that a Commission should be appointed. They could then proceed to determine what powers ought to be entrusted to the local boards.

MR. URQUHART was of opinion that the Committee ought not to proceed to consider the subsequent provisions of the Bill until they had first determined on the formation of the central board.

MR. HUME said, he should be satisfied to have one paid Commissioner, the head of the Woods and Forests being responsible in that House. The Government must bring in a Bill for the metropolis; it was impossible to do without one. He should like every community to carry on their own improvements; but when they neglected their duty, there should be a central board to point out to them what was necessary to be done.

After some conversation,

LORD J. RUSSELL said, it appeared to him to be the sense of the Committee that one of the Commissioners should be paid. It struck him, however, that there should be the appointing a Commissioner, who, holding office in the Government, and having a seat in the House of Lords, would be able to state the views of the Commission. It would not be right, he thought, that the Chief Commissioner of Woods and Forests, and the member of the Commission in the House of Lords, should be merely mouthpieces, or that everything should depend on one paid Commissioner. The other Commissioners must know perfectly well what was going on; and if they could not enter into details, they would not be able to defend or explain the decisions of the Commission. With this explanation, seeing the sense of the Committee, he would suggest that the present clause should stand as it did, with the understanding that when the Committee came to the 6th Clause words should be inserted under which one of the Commissioners would be paid.

COLONEL SIBTHORP said, that as it was then past nine o'clock, and as the noble Lord at the head of the Government had given an assurance that at that hour the Borough Elections Bill should be brought forward, he should move that the Chairman do report progress.

VISCOUNT MORPETH said, that after the opinion of the House had been so audibly expressed, after this clause had been under consideration for three hours, and after his noble Friend's announcement of his willingness to comply with the general feeling of the House, he trusted the hon. and gallant Member for Lincoln would evince a wish to accommodate by not opposing the passing of this one clause, after which the Chairman might immediately report progress.

COLONEL SIBTHORP said, he placed himself in the hands of the noble Lord (Lord J. Russell), relying entirely on his adherence to his promise.

LORD J. RUSSELL said, that if the hon. and gallant Member required that the Chairman should report progress he felt bound to consent.

COLONEL SIBTHORP: I do require it.

The House resumed.

Committee to sit again.

BOROUGH ELECTIONS (No. 2) BILL.

SIR J. HANMER rose to move the Second Reading of the Borough Elections Bill (No. 2). He had been impelled by a sense of duty to bring forward this measure, in consequence of the several cases that had recently come before the House of corrupt practices in connexion with borough elections. To some of those cases he had called the attention of the House, as they had arisen. He alluded to the cases of Horsham, Harwich, Derby, and others. It was in consequence of a pledge he had given in reference to the case of Derby that he had brought forward this measure. It was not a wholly new measure, as far as its principle was concerned. He had framed it on such precedents as the records of Parliament afforded. The precedent he had chiefly followed was the course taken by Parliament in the case of Sudbury, in which, however, he had made some alterations strictly analogous to the object. This was a Bill for inquiry. Parliament would not part with any portion of its discretion; the measure was merely one which authorised inquiry when seats were declared vacant through corruption. It was drawn up in accordance with the experience of the House on these matters; and there was therefore little necessity for speaking at any great length upon its provisions. But he had been asked why it was, that he stirred in this affair; why it was that he, who had always disliked, and he hoped should ever continue to dislike organic changes, should have undertaken the proposal of such a measure as this? As far as he was concerned, he had no intention to forward such changes; for he thought it was just and right to rest upon great settlements. He believed that it was to a disposition on the part of the people of this country not to disturb great and memorable settlements, that we owed no small portion of our security and prosperity. He had been asked why it was that he, entertaining such opinions, should have at such a time as the present called the attention of the House to imperfections which some said were inevitable and appeared to be inherent in human nature? He begged leave to say that, in 1842, when the noble Lord brought forward that most efficient and excellent Bill, of which he considered this to be absolutely and entirely the supplement (for it conflicted with it in no way whatever), Parliament did not say that the proposal of such a measure was contrary to the understanding entered into at the great settlement when the Reform Bill was passed—Parliament did not then say that the proposal of a measure the better to prevent bribery and corruption at elections, was contrary to the spirit of their previous legislation on Parliamentary Reform. And there was nothing peculiar in circumstances at home, whatever might be the condition of affairs in other parts of the world, to prevent them from considering that it was just and wise to legislate upon the subject. He did not think that Parliament could wisely delay the consideration of this matter. In the preamble of the Bill brought in by the noble Lord in 1842, it was asserted that bribery and corrupt practices at elections had become notorious. Now that was immediately after a contested election of a very peculiar character. There had just been a great party contest, perhaps the most serious that had ever been engaged in by any Member of that House. Upon that occasion two questions were involved, viz., "who shall be Minister?" and "what shall be the policy of the country?" Everything that could stimulate the ambition of men aspiring to legislate for their country was involved in that contest. But at the election which took place in 1847 there were no such stimulating circumstances, there was no such party contest. Indeed, there was no such party contest at all, for parties had disappeared. The country was in a calm and reasonable mood. If there was any party spirit whatever, it rather related to what might be the germ of future combinations than to what was then distinctly formed. One would have supposed that, under such circumstances, there would have been little corruption, especially after the passing of the Bill of 1842, as it had attracted considerable attention. He happened to represent a very widely-scattered constituency, and as he had to employ agents (the locality which he represented extending over fifty miles), he went to the office for the sale of Parliamentary papers, and purchased the last six copies of that Act, and forwarded them to his agents with an intimation that it contained the whole of the instructions with respect to any future Parliamentary election. If hon. Members went into the library of the House and opened any of the Statute-books of 1842, they would find them open at the very place in which that Act was printed; at least, every time he had taken them in his hand, he found that to be the case. It would therefore be seen that that Act did not pass without attracting a great deal of attention in the House, and throughout the country; and one might have supposed that bribery would not thereafter be notorious; that, in fact, a great reformation would be the result. But he was sorry to say, that no knowledge that he possessed would warrant him in coming to that conclusion. He thought, then, that a great necessity existed for taking effective steps to remedy the present corruption. To remedy that, he did not come forward and say, "You must have an extension of the suffrage;" he did not come forward and say, "Unless you make certain constitutional changes, you will never get rid of corruption;" but he did come forward and dwell upon that which was undoubtedly his opinion, that without altering the franchise at all, they might make very considerable reform. Without dwelling upon that, or upon any steps which Parliament might think proper to take, he called upon them to establish, by dint of this Bill, founded upon precedent, a clear and satisfactory mode of progressive improvement. He asked them to inquire, when a just occasion might arise, into the state of Parliamentary constituencies. He asked them not to commit the great practical absurdity of placing the greatest trust which citizens could possess, without the smallest inquiry, in the hands of persons with respect to whom they had had clear proof laid before them that they had made a very bad exercise of it. He asked them to do that which was practised for many ages in this country before the revolution; for it was for a long time the practice of the Crown, and not the Parliament, to inquire into the state of boroughs and their conduct at elections. Some Gentlemen, perhaps, would say, "After all, public opinion has become clearer, more enlightened, and sounder upon this subject: and you may safely trust Parliamentary elections to the influence of that sound public opinion; you will be able to put down corruption without any further legislation." He entertained, and upon good grounds, a directly contrary opinion. He was quite certain, that unless they administered to "the enlightened and respectable inhabitants," of whom some people talked, the stimulus of a new law, and reminded them, by some regular enactment, of the duties which they had to perform, they would not be able to drive away corruption from Parliamentary elections. The people must be assured that there was no possibility of their escaping from certain punishment for corrupt practices, else their corruption would continue in full force. He did not deny that there was in these times a sound and enlightened public opinion. He admitted that there were a great many inhabitants in boroughs who did honestly and sincerely give their votes upon one side or the other, as they thought proper, and according to their views of public duty, and their confidence in public men. But then they would shrug their shoulders and say, "We cannot help ourselves, there is a certain class of voters of whom we cannot get rid; they are ready at any time to turn the election; and their demands must be complied with." Some candidates might, no doubt, be able to escape the net of corruption; but, with regard to the great majority of constituencies, he might assert generally that it was impossible to escape from it. Why, let them only consider the case of Mr. Strutt, of Derby. Did any man suppose that if such a Bill as this had passed before the last election in 1847, the friends of Mr. Strutt would have been compelled to commit the indiscretion which had forfeited his seat? He did not wish to bring before the House the evidence adduced in any particular case; the proper time to do so would be when the Bill had been allowed to go into Committee. But he could not help cursorily noticing a return made for Lincoln. A gentleman who, by dint of great energy and industry, had raised himself to a position which justified his aspiring to represent the city in which he dwelt, was returned to the present Parliament as a colleague of the hon. and gallant Gentleman opposite, the Member for Lincoln (Colonel Sibthorp). He appeared to him to be a Gentleman in every way qualified to fulfil the important duties which that position devolved upon him. But it appeared upon examination before the Committee appointed to inquire into the validity of his return, that he (Mr. Seeley) was guilty of bribery. His partner in trade was examined, and he frankly stated to the Committee that it was impossible to have been returned otherwise than by bribery and treating; that such was the whole system of election at Lincoln. There was another case, that of Bewdley, which also exhibited in clear colours the present system of bribery and corruption. It appeared that, at the last two elections, bribery and treating were carried on to an enormous extent; bills for thousands and thousands of gallons of ale, at every public-house in the borough, were laid before the Committee. Every public-house was opened; voters were forcibly carried away; and rioting was carried on to a serious extent. The various candidates appeared to have made arrangements previous to the election as to the disposal of armies of navigators, to render them aid in "carrying the day." He could not then imagine how any Member in that House could think of opposing further legislation upon this subject. He was sure it was the interest of every one in that House to pass a measure having a tendency to put down such disgraceful scenes as those to which he had slightly referred. He could safely state that he could produce evidence for the purpose of proving that the return of many of the most honoured names in that House would not have been worth four days' purchase, if inquiry had been made into the conduct at their elections; their compulsory vicarious compliance with the prevailing system of corruption must at once have ejected them from the House had their returns been opposed. It was the personal interest, then, of every man, be his political opinions what they might, to join in putting an end to the present state of things. He would not detain the House further. He asked the House to affirm the principle of this Bill, which rested entirely upon precedent, and which he had brought forward not on any private grounds, but merely from a sense of public duty. Should the House consent to the second reading of the Bill, he should be very happy, in Committee, to give the most careful and respectful attention to any suggestion that might be made for its improvement by any hon. Member.

COLONEL SIBTHORP opposed the Motion. Lincoln cathedral had been attacked in that House the other night, and Lincoln city was to be attacked that night. But one humble representative of that city stood before the House and the country, fearless of whatever charges might be made against him as the representative of the city, and equally fearless of any charge that might be made against that Church. The hon. Member who brought forward this Bill was formerly Member for Hull. Why the hon. Member was so no longer he would not say. The hon. Gentleman had, however, addressed the Hull constituency as a Conservative candidate, promising to protect their vested interests, and never to be backward in giving an explanation of his Parliamentary conduct. The hon. Member never went there again. The hon. Member had also represented Shrewsbury. He had not gone there again, perhaps for the very same cause. He was now the representative of the Flint boroughs; and it was to be hoped that the result would be as satisfactory to his constituents as to the hon. Gentleman himself. The noble Lord at the head of the Government had given way to the hon. Member; why, he (Colonel Sibthorp) knew not, unless it was that the noble Lord's own election proceedings had raised a fellow feeling on his part. The noble Lord had, during his Parliamentary career, represented Tavistock four times, Devonshire, Huntingdonshire, Bandon Bridge and Stroud once each, and the city of London twice, and as it was said, *similes similibus gaudent*. This similarity perhaps influenced the noble Lord in giving way on this occasion. ["Question!"] The hon. Gentleman who called "Question," was in a similar position himself, and the subject was therefore disagreeable to him. But for his own part he could say—

> "Let the galled jade wince,
> My withers are unwrung."

Under this Bill it was intended to appoint Commissioners, who were, no doubt, as usual, to be paid, and paid very extravagantly; and, as he was reminded by an hon. Friend near him, they were to get travelling expenses in addition. A man who left his business to vote could not get sixpence for expenses without being accused of bribery; while these Commissioners would have their five guineas a day and expenses. They would, no doubt, be appointed at the recommendation of the hon. Member himself. As far as he was concerned, he did not care how soon one of these Commissioners went to any of the respectable firms who held his books, and who acted as his agents, or to any of the labouring men in his neighbourhood; they would find that he never bribed, and never would bribe. He might perhaps receive a visit from one of these gentlemen at his own house; but if he did, he hoped that he would act as any man of British spirit would act, and kick him out. He was never guilty of bribery, but he paid the legal expenses of his elections, and he hoped that the hon. Member could say the same. He wished to know why the Government had not themselves brought forward a measure for checking bribery. He believed, however, that they had come to an understanding with the hon. Member. When a man changed from one side to the other — when a professed Conservative, aye, and a member of the Conservative Club, left his party without any justifiable cause, as far as he Colonel Sibthorp) could see—he could not help suspecting such a man of being not very settled in his opinions and views. He wanted to know what was the necessity for this proposed inquiry? What were the expectations of the hon. Member in bringing forward this measure? He would not say that the hon. Baronet expected a commissionership for himself; bnt did he not expect one for some relative, or friend, or supporter? As he thought it best to take the most direct mode of opposing the progress of so objectionable a measure, he should beg to move as an Amendment that the Bill be read a second time that day six months, believing as he did, that it was an absurd, ridiculous, and inquisitorial measure, and one that ought never to be allowed to pass through any House of Commons.

MR. R. C. HILDYARD said, he should not have trespassed upon the House if he had not heard the hon. Baronet (Sir J. Hanmer) say that he had based this Bill upon a principle recognised by that House. But he thought that the House in these cases did not act without having a special report from the Committee; and he found that, in the case of Sudbury, the Committee had reported that gross and systematic bribery had existed there, and recommended that a Bill should be brought in for the disfranchisement of the borough, and that in the meantime no writ should be issued. That report had been approved by the House; and consequently Sudbury had been, in his opinion, most properly disfranchised. But what had the hon. Member (Sir J. Hanmer) proposed? In the first place, he dealt with five or six boroughs—[An Hon. MEMBER: Nine]—the number was of no importance—not one of which had been recommended by the Committee to be disfranchised. That was a broad distinction between the practice of the House and the principle involved in the Bill of the hon. Member; and there was, moreover, a clause in the Bill which gave it a prospective operation, as to all boroughs in which a Committee should report that corrupt practices existed, whether that report contained a recommendation of disfranchisement or not. If a Committee reported that there was reason to believe that systematic corruption existed in a borough, such a special report would justify the House in investigating the subject, and in punishing those who had been guilty of the practices; and if any corrupt practices were brought home to the sitting Member, that was a ground for vacating his seat. Upon this ground he had voted that the freemen of Yarmouth should be disfranchised; and, on the same principle, the other night he had voted with the minority on the question of the issue of a writ for the borough of Horsham. There was a broad distinction between these cases and the principle which the hon. Member had adopted in his Bill. First, the Committee investigated the charges of corrupt practices brought before it, and decided whether, as in the case of Sudbury, the evidence justified a special report; and, on the other hand, if the evidence was not sufficient, the Legislature might empower Commissioners to investigate the matter themselves. The practical result of this Bill would be, that in every instance where there was a report made to the House that a seat was vacated on account of corrupt practices, the House, deciding judicially, would be bound by the report of a Commissioner sent down to investigate the case; the House delegating to a hired Commissioner the important duty of saying whether or no every borough in the kingdom was to be deprived of the highest right a borough could enjoy. His (Mr. Hildyard's) own conviction was, that there was something more than a detestation of the offence of bribery mixed up with the sympathy exhibited in the House for this Bill. There was a body of Gentlemen maintaining that the small boroughs ought not to have the right of electing Members; and those Gentlemen knew the difficulty of accomplishing their object — they remembered the solemn pledge of the noble Lord, that the Reform Bill was to be a final measure, and they wished to pass a Bill which might one day be abused, for he had known times when political power was most grossly abused, and such times might come again. He thought it would be much better that they should see the laws already possessed carried into execution, instead of being constantly engaged in making new ones. He believed the effect of such a measure as this would be to relieve the Committees of this House, which were at present working well, from the responsibility that now pressed upon them; and that they would be transferring their authority from their own tribunal to a paid Commission, who were to rove from one place to another. These, however, were details; but he opposed the Bill on the principle that the Election Committees were bound, if they saw ground to believe that corruption existed in any given place, to pursue the inquiry to its full extent, and report upon it to the House.

MR. HUDSON objected to the Bill, on the grounds which his hon. and learned Friend had stated. He remembered an inquiry such as this Bill proposed, which took place in a borough with which he was connected. In that case the inquiry lasted seven weeks: the Government paid the expenses on both sides; and after costing the country some 6,000*l.* or 7,000*l.*, a large blue book was produced, but no other result whatever. The hon. Baronet only proposed that the expense of the prosecution should be paid by the Crown; but he was at a loss to understand why the expenses of the defence, falling, as it otherwise would do, for the most part, upon very poor persons, should not be equally defrayed by the Crown. And, after all, was the House itself so pure that it could go honourably into the present inquiry? He knew that various appliances were used towards hon. Members, in order to support the Government, which he considered to be as much acts of corruption as the electors receiving bribes from candidates. When he had the honour of a seat on the other side of the House, he knew that various little appointments were put in his way; but since he sat on this side of the House none had been offered him. If this Bill were, therefore, to pass, he hoped the Government would give an assurance that, henceforth their patronage would be dispensed without reference to party. Besides, the hon. Member for Montrose had a Bill on the Notice-book that was intended to remedy these defects; and he thought it would be better to suspend this measure till they saw the fate of the hon. Gentleman's Bill. He opposed the measure because he thought it would lead to expense without any practical result; and if it should pass a second reading, he gave notice that he would move in Committee that the expense of the defendants should be paid, as well as the expenses of the prosecutors.

Mr. HUME said, if the House gave him fair reason to hope that his Bill would be carried, he should not press the present one, for he was satisfied that his measure would put an end to a large portion of the corruption that now existed. But that was not the question before the House, but rather whether the House would enforce its own standing orders and the laws that had been passed against bribery; and he thought it was unfair to attack the Government for supporting this Bill, because in doing so they only supported the character and dignity of the House.

Mr. JOHN STUART called upon the Government to explain why they had abandoned the Horsham Bill, amidst loud and impatient cries of "Divide!" The hon. Gentleman, finding it impossible to proceed, moved the adjournment of the debate.

Mr. DISRAELI could not exactly agree with the noble Lord. There were explanations to be given before the Bill could be passed, which the hon. Gentleman opposite (Sir J. Hanmer) seemed to imagine might be passed over; but he could not forget that a Bill had been brought forward with regard to the borough of Horsham, if not by the Prime Minister, at least with his sanction, and that it had been subsequently withdrawn. Surely the House had a right to expect that some explanation would be given why that Bill had been abandoned—why that Bill, occasioned, it was said, by circumstances of a very extraordinary nature, and brought forward by an authority of great consequence, should suddenly, and in a manner so mysterious, be absorbed in the project of law of a Gentleman who had described himself as a "private Member of Parliament," though he (Mr. Disraeli) was at a loss clearly to understand what that character meant. But when Her Majesty's Ministers did not condescend to enter into the slightest particulars of explanation—and when, upon the first occasion that a single critical observation was offered from a Gentleman so eminently qualified to give his opinion upon such a subject, he was met by the most crude and unmeaning clamour—he had a right to say it was not unreasonable to move the adjournment of the debate. The Bill of the hon. Baronet, if not of a very important character, was at least a very ambitious one; and he did not think it ought to pass *sub silentio.* He therefore protested against the manner in which the observations of his hon. and learned Friend (Mr. Stuart) had been received; and he repeated that the House had a right to expect from the Government some explanation of the circumstances under which the Bill relating to the borough of Horsham had been allowed to drop.

Lord J. RUSSELL said, it was very difficult for him to say what were the circumstances which the hon. Gentleman who had just sat down, and the hon. and learned Gentleman who preceded him, wished to have explained. He (Lord J. Russell) thought, that upon former occasions, when the Bill with regard to the borough of Horsham was before the House, repeated explanations had been given of the reasons for deferring the measure. They were so extremely similar now, that he would state again what was the position of that Bill, and the position of the present measure. When the House decided that the writ should be suspended, he was asked by several Members, both among those who agreed with the suspension, and those who did not, to introduce a Bill upon the subject himself. He consented; but afterwards there were other writs, especially Derby, suspended, and special reports made. The hon. Baronet the Member for Flint boroughs undertook to bring in a Bill with regard to Derby and other boroughs, and one of the remedies he proposed was inquiry by a commission. On consideration it appeared to him better that there should be only one mode of inquiry for these cases, instead of two. Having taken a part for five-and-twenty years in inquiries relative to corrupt boroughs, he knew very well that after Committees of the House of Commons, and the House itself, were satisfied that bribery prevailed to a great extent, and that disfranchisement ought to follow, the evidence failed to prove a sufficient case of delinquency to satisfy the House of Lords, and the Disfranchising Bill was thrown out. It was evident that the same mode of inquiry was very likely to fail if it was resorted to; and therefore his hon. Friend proposed another mode of inquiry, which had been adopted in the case of Sudbury—an inquiry by Commissioners. When it was adopted in that instance, it was so far successful that both Houses agreed to act upon the evidence produced. Seeing this was the case, he deferred his plan to the inquiry proposed by the hon. Gentleman, which he (Lord J. Russell) considered was the best. There was nothing very mysterious in the matter; and if the House of Commons should think fit to reject this Bill, he should proceed with the one which he had proposed, which he did not consider so good, but from the working of which, notwithstanding, he trusted some useful results would flow. With regard to the impatience of the House: when the hon. and learned Member addressed it, he believed that it arose from the lateness of the hour, the House being anxious to come to a decision. He considered that it was desirable that some decision should be come to, because the writs had been in two or three cases suspended. If the House decided that the principle of this Bill was good, that would be a fair reason for continuing the suspension of the writs; but if the House came to a contrary decision, there would be a good constitutional reason for issuing them. He trusted that the hon. Gentleman would not persevere in his opposition.

MR. HENLEY was not surprised at the course taken by his hon. Friend. He must also say, that he considered that the course taken by the Government was hardly fair. It was not a usual thing to establish a sweeping commission to examine into allegations made against eight or nine boroughs, and that without a sufficient amount of evidence before them to justify such a proceeding. The Committees which unseated the Members did not, in any one case, recommend the institution of further proceedings. Taking all these facts into his consideration, he must say, that the hon. Member for Newark was not to be censured for the course he had pursued. He had but claimed his undoubted privilege. Seeing himself clamoured down by the immediate supporters of the Government, the only course left to his hon. Friend was, an adjournment of the debate. He would support the Motion for the adjournment.

The House divided on the question that the debate be adjourned:—Ayes 69; Noes 215: Majority 146.

The House also divided on the question that the Bill be now read a second time:—Ayes 198; Noes 85: Majority 113.

List of the AYES.

Abdy, T. N.
Acland, Sir T. D.
Adair, R. A. S.
Adare, Visct.
Aglionby, H. A.
Alcock, T.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, M. T.
Barkly, H.
Bellew, R. M.
Berkeley, hon. H. F.
Bernal, R.
Blackstone, W. S.
Bouverie, hon. E. P.
Bowring, Dr.
Boyle, hon. Col.
Brand, T.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, R. D.
Bulkeley, Sir R. B. W.
Butler, P. S.
Buxton, Sir E. N.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Cayley, E. S.
Clay, J.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Colebrooke, Sir T. E.
Conyngham, Lord A.
Corry, rt. hon. H. L.
Courtenay, Lord
Cowan, C.
Craig, W. G.
Crawford, W. S.
Currie, H.
Dalrymple, Capt.
Davie, Sir H. R. F.
Deedes, W.
Devereux, J. T.
D'Eyncourt, rt. hn. C. T.
Duncan, Visct.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Dunne, F. P.
Ebrington, Visct.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, J.
Evans, W.
Fagan, W.
Ewart, W.
Fellowes, E.
Ferguson, Sir R. A.
Fitzpatrick, rt. hn. J. W.
Fordyce, A. D.
Fox, R. M.
Fox, W. J.
French, F.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Granger, T. C.
Greene, J.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Headlam, T. E.
Heald, J.
Heneage, G. H. W.
Heneage, E.
Henry, A.
Herbert, H. A.
Herbert, rt. hon. S.
Heywood, J.
Hill, Lord M.
Hindley, C.
Hodges, T. L.
Hollond, R.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Howard, Sir R.
Hutt, W.
Jackson, W.
Johnstone, Sir J.
Keppel, hon. G. T.
Ker, R.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lemon, Sir C.
Lennard, T. B.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Macnamara, Major
M'Cullagh, W. T.

Meagher, T.
Mahon, The O'Gorman
Maitland, T.
Mangles, R. D.
Marshall, W.
Martin, C. W.
Matheson, Col.
Maule, rt. hon. F.
Milnes, R. M.
Mitchell, T. A.
Monsell, W.
Mulgrave, Earl of
Norreys, Lord
Norreys, Sir D. J.
Ogle, S. C. H.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Pearson, C.
Pechell, Capt.
Peel, rt. hon. Sir R.
Perfect, R.
Pigott, F.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Power, Dr.
Power, N.
Price, Sir R.
Pugh, D.
Pusey, P.
Rawdon, Col.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, J.
Russell, Lord J.
Rutherfurd, A.
Salwey, Col.
Sandars, G.
Seymer, H. K.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Smith, J. B.
Smythe, hon. G.
Somerville, rt. hon. Sir W.
Sotheron, T. H. S.
Stanton, W. H.
Strickland, Sir G.
Sullivan, M.
Talbot, C. R. M.
Talfourd, Serj.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Towneley, C.
Towneley, R. G.
Townshend, Capt.
Trelawny, J. S.
Tufnell, H.
Vane, Lord H.
Walmsley, Sir J.
Ward, H. G.
Watkins, Col.
Wawn, J. T.
West, F. R.
Westhead, J. P.
Willcox, B. M.
Williams, J.
Williamson, Sir H.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.
Wyvill, M.
Young, Sir J.

TELLERS.
Hanmer, Sir J.
Hume, J.

List of the NOES.

Arkwright, G.
Bailey, J. jun.
Baldock, E. H.
Benbow, J.
Bennet, P.
Bentinck, Lord G.
Beresford, W.
Bernard, Visct.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Bowles, Adm.
Bremridge, R.
Chichester, Lord J. L.
Christy, S.
Clive, H. B.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Compton, H. C.
Cotton, hon. W. H. S.
Disraeli, B.
Dundas, G.
East, Sir J. B.
Edwards, H.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fuller, A. E.
Galway, Visct.
Godson, R.
Gore, W. R. O.
Granby, Marq. of
Grogan, E.
Hale, R. B.
Henley, J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hobhouse, T. B.
Hodgson, W. N.
Hope, Sir J.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Jones, Sir W.
Kerrison, Sir E.
Lascelles, hon. E.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mandeville, Visct.
Manners, Lord G.
Masterman, J.
Miles, W.
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Newry & Morne, Visct.
O'Brien, Sir L.
Packe, C. W.
Palmer, R.
Pennant, hon. Col.
Prime, R.
Repton, G. W. J.
Scott, hon. F.
Smyth, J. G.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanley, E.
Stuart, H.
Stuart, J.
Sturt, H. G.
Thompson, Ald.
Trollope, Sir J.
Verney, Sir. W.
Villiers, hon. F. W. C.
Vivian, J. E.
Vyvyan, Sir R. R.
Waddington, H. S.
Worcester, Marq. of
Wortley, rt. hon. J. S.

TELLERS.
Sibthorp, Col.
Hudson, G.

Bill read a second time.

ENCUMBERED ESTATES (IRELAND) BILL.

The SOLICITOR GENERAL moved the Second Reading of the Encumbered Estates (Ireland) Bill, and proposed that the Bill should be now read a second time without discussion, and committed *pro formâ*. The debate to be taken on the Bill again going into Committee.

The EARL of LINCOLN said, that, owing to the extreme and paramount importance of a measure for facilitating the sale of encumbered estates in Ireland, he was anxious, before the Motion passed, to obtain an assurance from Government, without which they could not proceed with safety, and he was induced to do so from the peculiar position in which the House found itself with regard to the measure. The House could not forget that it was introduced into the other House nearly at the commencement of the Session, and that it had been allowed to fall asleep for several months. He had on more than one occasion pressed the Government with regard to the progress of the Bill, and had received the assurance of the noble Lord at the head of the Government, that it would be immediately proceeded with in the other House of Parliament. Little progress was made in it, however, till last week, when, to the surprise of every Member of that House, within three days, it was recommitted, read a third time, and passed, and brought down to that House—thus showing what appeared to be unnecessary delay in the first instance, and precipitate haste in the next. He must say, also, that he thought it a most unusual course with regard to a Bill involving intricate questions of law, and especially of Chancery law, which had been under the consideration of the House of Lords for three or four months—a House where all the eminent law authorities had seats—

that after it had left that House only three or four days, it should now be proposed to be read a second time and committed *pro formâ*, with the view of introducing alterations into it in order to obviate the strong objections which the Solicitor General entertained to the Bill as it then stood. What he (Lord Lincoln) wanted was an assurance that the Government were prepared with the amendments which they were desirous of inserting in the Bill. His reason for asking that assurance was this. He did not say it with any taunt, but he could not help recollecting that a similar course was taken with the Health of Towns Bill to that which was now proposed with regard to this Bill, the consequence of which had been a delay of six weeks; and though from the early period at which that Bill had been committed *pro formâ*, the subsequent delay might not operate as an impediment to its passing, he did fear that, if the same course was pursued in this instance, another Session of Parliament would pass without legislation on this subject, or, what was worse, they would have to be contented with crude legislation. He wished, then, to know if the Government were prepared with their Amendment, because, if not, the result might be that the Bill would be hung up for six weeks—that then the Bill would be laid on the table perhaps in an entirely new form, and then they would be told either to proceed immediately with its consideration, or else be compelled to oppose it altogether.

LORD J. RUSSELL begged to say, in answer to the noble Lord, that the Solicitor General had prepared his Amendments; but these having, like the Bill itself, to be submitted to various persons, he had not got them in the exact form in which he might introduce them. He assured the noble Lord, however, that they would be received in a very short time, and then the House would have an opportunity of considering the Bill in its amended shape. He thought the noble Lord must know that this was by no means a simple subject to deal with, and that it was of great importance to make the measure efficient for its purpose, so as to prevent attorneys having an opportunity of vexing those who were in possession of encumbered property.—Bill read a second time.

SLAVE TRADE COMMITTEE.

On the Order of the Day for further proceeding on the question that Mr. Cardwell be added to this Committee,

VISCOUNT PALMERSTON said, that he should withdraw his objection to the insertion of Mr. Cardwell's name.

MR. CARDWELL said, that nothing could have been more courteous than the manner in which the noble Lord had objected to the addition of his name; but he hoped that the noble Lord would also withdraw the observations which he had made respecting the interest which the merchants of Liverpool had in the continuance of the slave trade. The truth was, that no persons were so much interested in the abolition of the slave trade as the merchants connected with the port of Liverpool, as it was the only chance they had of seeing legitimate commerce flourish in Africa.

VISCOUNT PALMERSTON regretted that, having stated what he believed to be the fact, he could not unsay what he had previously said. Could the hon. Member for Liverpool deny that from that port were exported a vast quantity of those commodities which were exchanged for slaves on the coast of Africa?

MR. CARDWELL did not mean to deny that exports were made from Liverpool, which, after passing through the hands of merchants in some part or other of the globe, were appropriated to some improper purpose. He must hesitate in allowing his name to be added till the noble Lord should assure him that he meant to convey no imputation.

The EARL of LINCOLN said, the noble Lord had stated that the Members for Liverpool were not competent persons to be appointed Members of this Committee. The noble Lord had been twice an unsuccessful candidate for the representation of Liverpool: had he been successful he could not, on his own principle, have held his present office.

VISCOUNT PALMERSTON would remind the noble Lord that in that House there were many unsuccessful candidates. If the noble Lord had been an unsuccessful candidate, it was not in Liverpool, but in his own county. The noble Lord was certainly mistaken in supposing he had been an unsuccessful candidate for Liverpool. Many electors of Liverpool had done him the honour to put him up; but he had declined being a candidate. Had he been elected, he should have felt it his duty to decline sitting for that city in preference to the borough which he now represented.

MR. GLADSTONE had hoped the noble Lord would have been prepared, if not to withdraw, at least to qualify his statement. He was right, in point of fact, that goods which entered into the slave trade did pass through Liverpool. But the Liverpool and Manchester Railway Company, or the porters in the docks, might be inculpated on the same principle. Though Liverpool was the medium through which those goods passed, it was scarcely fair that such an imputation should go forth as the noble Lord had apparently sanctioned.

The name of Mr. **CARDWELL** was added to the Committee.

The House adjourned about Two o'clock.

HOUSE OF LORDS,

Friday, May 19, 1848.

MINUTES.] PUBLIC BILLS.—*Reported.*—Assignment of Ecclesiastical Districts.

3^a and passed;—Insolvent Debtors (India); Maxwell's Restitution.

PETITIONS PRESENTED. By the Bishop of Winchester, from the Clergy, Gentry, and Others, of Thursley, Ampfield, and other Places, against the Jewish Disabilities Bill.—By the Marquess of Lansdowne, from the Members of several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for an Extension of the Benefit Societies Act to that Order.—From the Subscribers and Managers of several Charitable Institutions in Leeds, to be relieved from the Payment of Legacy Duty on Bequests made to them.—By Earl Grey, Lord Hatherton, and the Bishop of Durham, from a great number of Places in Northumberland, Cumberland, and Yorkshire, in favour of the Jewish Disabilities Bill.—By the Earl of Yarborough, from the Members of the Wesleyan and Primitive Methodists of Louth, Carlton, and several other Places, against the Sale of Intoxicating Liquors on Sundays.—By the Earl of Haddington, from the Magistrates and Town Council of Dunbar, against the Test required from Professors in the Universities in Scotland; also for Improvement of the Present System of Parochial Education, Scotland.—By Lord Stanley, from the Clergy and Laity of the Church of England, for an Alteration of the Law respecting Confirmation of Bishops.—From the Magistrates and Town Council of the City of Edinburgh, for a Revision of the Excise Laws.—From the Ministers and Elders of the City of Glasgow, and from the Parochial Board of Govan, in the County of Lanark, against the Marriage (Scotland) Bill.—From the Same, against the Registering Births, &c. (Scotland) Bill.—From the Commissioners of Supply, of the County of Renfrew, for a Trigonometrical Survey of Scotland.—From the Manufacturing Districts of South Lancashire, in favour of Vote by Ballot and Extension of the Suffrage.

PRESENTATION TO CROWN LIVINGS.

The **BISHOP of LLANDAFF** rose, in pursuance of the notice he had given, to move—

> "An humble Address to Her Majesty, praying that Her Majesty will be graciously pleased to consent to the Introduction of a Bill for limiting the time during which Church Benefices in the Gift of the Crown may be kept vacant."

In presenting himself before their Lordships to call their attention to a subject which he deemed of very great importance, he would beg to remind their Lordships that he had not often ventured to address them. He mentioned this circumstance, not in order to waste their Lordships' time by claiming their indulgence on that account, but in order that their Lordships might judge, by the infrequency of his appearance before them, of the great importance which he attached to the subject to which he was about to direct their Lordships' attention. He brought this matter before their Lordships in the performance of an important duty which devolved upon him from the station in which he was placed; and he felt he should be derogating from that duty if he did not lay the subject before their Lordships. The matter to which he wished to direct their Lordships' attention was the delay which by law was now permitted to take place in the presentation to livings in the gift of the Crown. Those presentations might at present be delayed for an indefinite period —this was the privilege, and it was by no means an enviable privilege, which was now exercised by the servants of the Crown, and of the exercise of which he had to complain. He was happy to say, that the case which he was about to bring before them involved no charges either of unsound doctrine or of improper or immoral conduct; but it was nevertheless one which deserved their Lordships' most serious attention. The rev. gentleman, to whose case he was about to direct their Lordships' attention, was a gentleman of sound doctrine, of amiable character, and of good life; and the only reason he had for objecting to the presentation was, that the rev. presentee did not possess a sufficient knowledge of the Welsh language. His diocese included the whole of Monmouthshire and a good part of Glamorganshire. Now, in Monmouthshire the Welsh language had nearly died out; but such was not the case in Glamorganshire—at least not in the whole of the county. In many parishes the English prevailed greatly over the Welsh language, consequently there could be no difficulty as regarded language with respect to the presentation to those benefices; in many parishes both languages were spoken; and in a few parishes, situate in the hilly districts, the Welsh language exclusively prevailed. There were also many parishes in which the use of Welsh partially prevailed. The use of the two languages existed in various parishes in every conceivable degree, so that no general rule as to the knowledge of the Welsh language required in a clergyman to be presented to a parish could be laid down. Each parish must be a rule to itself. The only possible method by which it could be ascertained whether or not an individual presented to a Welsh living was qualified to take charge of it, was by consulting with persons conversant with the country, as to the language spoken in the district, and then by examining the presentee as to his knowledge of the language. In those districts in which Welsh was the vernacular language, a mere grammatical knowledge of Welsh was not sufficient to enable the presentee to perform the duties of a pastor. With a merely grammatical knowledge of Welsh it would be impossible that he could exercise that influence over his flock which every clergyman ought to exercise. It would be ridiculous for a foreigner, possessed of a mere grammatical knowledge of English, to attempt to address an English rustic congregation; and it was equally ridiculous for a person possessed of a mere grammatical knowledge of Welsh to attempt to address a Welsh rustic congregation. The case which he had to submit to their Lordships was the following:—In the month of June last, the parish of Llanilid, in Glamorganshire, the gross annual value of which had been returned at 250*l.*, became vacant. The population amounted to 300 souls. He soon afterwards was informed that Mr. Taynton, one of his clergy, who had resided some time in his diocese, and a gentleman whom he much esteemed, had been appointed to this living by the Lord Chancellor. He knew that Mr. Taynton was not a native Welshman, but that he had preached occasionally in Welsh; and in announcing to him (the Bishop of Llandaff) that he had been presented to the living by the Lord Chancellor, he reminded him that he had delivered Welsh sermons, and expressed a hope that on that account he should be considered qualified. But this parish was situated in the hilly district, and he therefore wrote to Mr. Taynton, informing him it would be necessary that he should be examined as to his knowledge of the Welsh language. He then requested the rural dean to go to the parish, and make inquiries, and to report whether or not he thought that a person not versed in the Welsh language could take charge of that parish with effect. He had received the report of that gentleman, and he found, as he expected, that a colloquial knowledge of the Welsh language was absolutely necessary to a proper performance of the duties of the parish. That gentleman, in his report, distinctly stated that he considered it a clear case for examination. Simultaneously with that a memorial was sent to him from the parish, drawn up by the churchwardens, and numerously signed, expressing their anxiety to have a clergyman acquainted with the Welsh language. He, in consequence, informed Mr. Taynton that it would be necessary for him to submit to an examination as to his knowledge of Welsh. Mr. Taynton wrote to him, expressing a hope that, as he had heretofore preached in Welsh, under the authority of the bishop, that would be deemed sufficient; private circumstances, however, could not be permitted to sway his opinion. He seemed to be much disappointed and distressed, and requested to be allowed some days to consider whether or not he would submit to the examination. He afterwards proposed an arrangement. Mr. Griffiths, a Welshman, the incumbent of a parish in which English was generally spoken, proposed that his patron should give to Mr. Taynton his living, if the Lord Chancellor would present Mr. Griffiths to the living to which he had presented Mr. Taynton; to this arrangement he (the Bishop of Llandaff) had given his full concurrence; he waited for some time, but after finding that the consent of the Lord Chancellor had not been, and could not be obtained to this arrangement, he, in the month of October last, took the liberty of writing to the Lord Chancellor on the subject. No notice whatever was taken of that letter; he had not even received an acknowledgment of the receipt of it from his Lordship's private secretary. He had then communicated with Mr. Griffiths and Mr. Taynton. A long correspondence ensued, but no consent was given by the Lord Chancellor to the proposed arrangement, which would have satisfied all parties, and would have been highly beneficial to the vacant parish. It had been kept vacant now nearly a twelvemonth. No respectable curate could be appointed under this uncertainty, as he would be liable to be turned out as soon as the vacancy might be filled. Thus the greatest possible injury was inflicted on the Church; and as the law now stood, there was no remedy, for the appointment depended absolutely on the will of the Lord Chancellor. In this district, too, the delay became an enormous evil, for there the prevalence of dissent was so great, that it required the greatest efforts of the Church to make head against the stream. Again, in the parish of St. Andrew, a vacancy having occurred, he wrote to the Lord Chancellor relative to the appointment of a person capable of preaching and conversing in Welsh; and some time afterwards a gentleman from Kent called upon him to know if he would institute him to the living. He (the Bishop of Llandaff) held some conversation with the gentleman, and he found that he had never been in the country before, and that he knew nothing of the Welsh language, except what he had learned from his dictionary. He (the Bishop of Llandaff) told him that if he would submit to a *viva voce* examination in the Welsh language, he would abide by the decision of the examiners as to his fitness on the score of language. The gentleman observed, that he would employ a curate who understood the Welsh language, and, in the meantime, endeavour to master it himself. However, that course was contrary to the principle which he (the Bishop of Llandaff) had laid down for his guidance—viz., never to institute a person to a living who was incompetent on any ground to perform the duties. The clergy of his diocese certainly did not bask in the sunshine of the Crown pleasure. When there was a vacancy in a Crown living in that diocese, the Minister of the Crown might easily learn from the bishop, whether it required a pastor conversant with the Welsh language; but here the Lord Chancellor, even when informed of the fact by the bishop, took no notice of the information. He seemed to regard the patronage as a perquisite of office, to be exercised in gratifying a friend or a political adherent, without the slightest regard to the improvement of the people. Instead of being an auxiliary to the bishop, he became an adversary. He (the Bishop of Llandaff) did not bring this conduct as a charge against all the dispensers of Crown patronage: the benefices at the disposal of the First Lord of the Treasury were, he believed, generally given with a view to the benefit of the parish, and to reward deserving clergymen, recommended by him to the Crown, and awaiting the sanction of the Crown. But in these Chancellor's livings, no such communication took place. It was an arbitrary act of the Chancellor alone, irresponsible, and uncontrollable. It seemed to him an anomaly that, whilst in all the other appointments of the Crown there was some sign of the Royal pleasure, such as either the sign-manual attached to the document, or the Privy Seal, in the presentation to what are called Chancellor's livings there was no mark of the sort, no signature, no evidence whatever of the Royal pleasure having been taken. The whole thing was done by the Lord Chancellor, in the name indeed of the Queen, but without even consulting her; for he felt perfectly sure that the honoured Mother of a Prince of Wales would never give her sanction to any measure which offered an indignity to a bishop of Wales, or an insult to the Welsh people. It was a grievance most galling and mortifying to the clergy of that country, where the livings were generally poor, that if anything a little better than ordinary fell vacant, it was given to a stranger, instead of being bestowed as a reward to some one who had laboured long and well in that impoverished Church. The object of his Motion was to guard against the recurrence of the evils of which he complained, and to correct, as far as possible, those which at present existed. If some remedy were not speedily adopted, the whole country would ring with the complaints of the manner in which the Church patronage of the Crown was dispensed in Wales. Should any opposition be made by the noble and learned Lord to his Motion, he would not press it; but certainly in his view of the case—which view he had endeavoured to impress on their Lordships—the matter of which he complained was a great and growing grievance, that loudly called for some remedy, though what that remedy should be he did not take upon himself to say.

The LORD CHANCELLOR said, that in the notice which the right rev. Prelate had given, and in the Motion he had made, he proposed to remedy what he stated to be an inconvenience in the present state of the law arising from the Crown not being limited within a certain period of time to present to livings in its gift. But the right rev. Prelate's speech had nothing whatever to do with that subject. It related entirely to the more or less degree of knowledge of the Welsh language possessed by persons instituted to livings in his diocese. The right rev. Prelate then referred to vacant livings in his diocese, which he complained of not having been filled up. But the first vacancy to which he had referred occurred in June last; and in July a party presented to this living had applied to him to be instituted. In that case, then, the vacancy had only lasted one month; in the second case the vacancy had occurred in January last, and in the month of April following the party appointed to the living applied to the right rev. Prelate to be instituted; but the right rev. Prelate had not said that he had instituted those parties. But what had that to do with the proposal to limit the period of time within which the Crown could appoint to livings in its gift? By an extraordinary combination of error, the right reverend Prelate had at once invaded the prerogative of the Crown, and thrown overboard the privileges of Parliament. He proposed that the Crown should be limited as to the period within which it was to make a presentation, and for that purpose he proposed an address should be presented for a Bill. For what—in what respect—he had not told their Lordships. It was the prerogative of the Crown to present to these livings; it was the prerogative of the Crown if a Bill were brought in, to dissent from the proposition of the Bill; but by a happy contrivance of the Parliament and the law, it was the prerogative of the Crown, that the Parliament and the Crown should not come in collision. There was an Act that a Bill touching the interests of the Crown should not proceed to a determination without the consent being given by the Ministers of the Crown. It was obviously to avoid the privileges of the Crown being invaded. Any person might lay a Bill on the table, and proceed without the consent of the Crown. With reference to the charge of the right rev. Prelate, that too long a period had been suffered to elapse between the occurrence of a vacancy in and the presentation of a living, he could assure their Lordships that upon an average no more than three months had been allowed to expire in such cases. There were between 700 and 800 livings in the gift of the Crown, the patronage of which was exercised by the Lord Chancellor; but of that number between 300 and 400, or quite one-half, were under 200*l.* a year. With respect to the larger livings, vacancies occurred the least frequently; but in the case of the smaller, the first moment that the clergyman could get appointed to a better preferment a vacancy would occur, and, in consequence, the smaller livings were continually falling vacant; thus the recurrence of the necessity of finding a person to fill up these livings was much oftener than in the case of the larger livings. But the history of two particular livings had been brought under their Lordships' notice by the right rev. Prelate, though he had not received the slightest intimation that it was the right rev. Prelate's intention to do so. He was not taken by surprise when the right Prelate gave notice of a Motion for a general measure applicable as well to his noble and learned Friend with regard to the Duchy of Lancaster as to him (the Lord Chancellor); but from the right rev. Prelate, he had never, directly or indirectly, received the slightest intimation that he intended to bring under the consideration of the House either of the two cases to which he had referred. If the right rev. Prelate had sent him the information, certainly it had not reached him. The opinion which the right rev. Prelate had expressed upon these cases was quite contrary to that which had been pronounced by the Commissioners who had investigated the state of education in Wales. It had been usual with him, in making a presentation to a vacant living, to communicate with the bishop of the diocese, and receive his advice and assistance; and whenever he found that a strong impression pervaded the mind of the bishop that the patronage of the Crown ought not to be exercised without his superintendence and control, then he felt that it became him to be a little cautious how he acted in putting the prerogative of the Crown in force. The noble and learned Lord then alluded to the letter which had been written by Mr. Griffiths, and to that gentleman's representation that Mr. Sampson, who had been presented to one of the two livings in question, was a relative of his (the Lord Chancellor's). Now that statement was totally and entirely false. The fact was, that Mr. Sampson possessed a living in Kent; that he had a family of ten children; and as there was no house for his accommodation there, he naturally felt anxious to be removed to a living where he could be provided with a house. The rev. gentleman was recommended to him by some friends; and accordingly he (the Lord Chancellor) desired his secretary to write to him, and say that if he were willing to change his living, he was ready to present him to one in Wales, provided the bishop found him competent to instruct the people in the Welsh language. He should be sorry, indeed, to make any attack upon Mr. Griffiths, if there were any real grounds for what he had said; but with regard to his asserting that Mr. Sampson was a relation of his, it was a pure invention. As to Mr. Sampson being unacquainted with the Welsh language, all he could say was, that that gentleman offered to be examined in the presence of the bishop by a schoolmaster who was a Welshman; but the right rev. Prelate had refused. The right rev. Prelate stated that he had made a private communication to him (the Lord Chancellor) that he would bring him before the House of Lords—the right rev. Prelate seemed to forget, however, that in bringing him before the House of Lords, he would be under the necessity of coming there also himself—and the question now was, whether his coming there was more to the disadvantage of the patron, or to the disadvantage of the right rev. Prelate? Then, with regard to the other, which was a still more extraordinary case. A small living —smaller than the other—became vacant in June last year. In July he presented a party to it, whom he had never known before—one who was highly recommended to him by Lord James Stuart and some other parties, who said he was perfectly capable of performing the service in the Welsh language. He (the Lord Chancellor) offered Mr. Taynton the living. It was accepted; but he soon found that there was some great difficulty in the way. The right rev. Prelate insisted upon the presentee undergoing an examination in Welsh. Now, he held in his hand a letter written by the right rev. Prelate in 1838, in which, after saying that a knowledge of the Welsh language was most desirable, in order to keep the people attached to the Church, he highly praised Mr. Taynton for his voluntary exertions in preaching to the people in the parish where he was curate, in the Welsh language, during a period of three years. So that while the reverend gentleman was a curate, his knowledge of Welsh was not questioned; but when he became an incumbent, the right rev. Prelate insisted upon his undergoing an examination in that very language his proficiency in which he had formerly praised. In March he was informed that the determination of the right rev. Prelate was final; that the presentee must submit to be examined—the contest had been going on ever since; but he had nothing to do with it. He did not know up to that hour whether the reverend gentleman had resigned his presentation or not. He had laid these two cases, in all their circumstances, before their Lordships; and he trusted they would see in them no reason for altering the law upon the subject, and imposing a restriction upon the exercise of the prerogative of the Crown.

The Bishop of ST. DAVID'S said, he need not apologise for addressing their Lordships upon this question; for he felt that he should be wanting in his duty if he did not express his opinion upon some of the points which had been referred to, and which came within his own knowledge. He should not enter into the noble and learned Lord's explanation of his conduct towards his right rev. Friend. It would be for his right rev. Friend to say whether it was satisfactory to his mind, or not. Not only, however, did he entertain no doubt of the noble and learned Lord's intention to perform this part of his duty in the most upright manner; but his own experience of the noble and learned Lord's exercise of his office in this respect tended to confirm this belief. It happened very lately that, in his own diocese, a very small parish had, for some time, been vacant; and he applied to the noble and learned Lord to know why the vacancy had not been sooner filled up. The noble and learned Lord informed him the only reason of the delay was, that he was not fully satisfied whether the parish was in such circumstances as to require the incumbent to possess a knowledge of the Welsh language; and the noble and learned Lord requested him to obtain information upon that point before he decided. This he believed to be an example of the rule by which the noble and learned Lord was governed in the exercise of the powers entrusted to him. He was surprised, however, to find the noble and learned Lord had thought proper to mix up the question which had arisen in this case with another of a much more comprehensive nature, which, as it seemed to him, were entirely unconnected. He could hardly explain to himself how there happened to be any connection between the subject now under discussion, and the larger topic of whether it was desirable or otherwise that the Welsh language should be abolished. The noble and learned Lord said this was a question upon which there existed great differences of opinion; but he lay under a singularly great mistake, when, having mentioned the existence of two opposite parties upon the subject, he represented his right rev. Friend (the Bishop of Llandaff) as the champion of that which contended for the continued existence and preservation of the Welsh language. Probably he (the Bishop of St. David's) was more entitled to that office than his right rev. Friend; but he had never expressed any opinion upon that point, and he had studiously avoided doing so, because it had no relation whatever to any practical question; and because it was one which ought never to influence his judgment in the exercise of the duties of his office. The question whether the duties of a parish should be discharged in Welsh—Welsh being the language of the greater part of the population—could not be affected by any opinion whether it was desirable or not that the Welsh language should be abolished. None of their Lordships would think it right to sacrifice the spiritual welfare of the existing generation to the attainment of such an object at some remote period. He might, however, go further and say, no means could be devised less likely to accomplish that end than to attempt to force a foreign language upon the people. Such a policy might have been pursued in former times; but the result had not been to contract, in the slightest degree, the prevalence of the Welsh language, nor to bring the period nearer for its abolition. The result, however, had certainly been to produce weakness and disorder in the Church, to drive the people out of its communion, and force them to seek spiritual nourishment and consolation within the pale of some sect. Dismissing, then, this question as entirely irrelevant he had simply to add his testimony in confirmation of the general statement made by his right rev. Friend, of the extreme importance of the rule, that the parochial ministry of the Welsh population should never be permitted to one not thoroughly conversant with the Welsh language. It was by no means sufficient that the person to whom such a charge was entrusted should possess a superficial or mere literary acquaintance with the language, for that would not enable him to discharge the more important part of his duties; it was necessary he should possess such a familiarity with the colloquial language of the country as would enable him to hold the freest and the fullest intercourse with every one of his parishioners. There could be no doubt of this in that small class of cases where Welsh was decidedly the predominant language of the parish, or where there were few of the parishioners acquainted with any other. There was another class of cases, where the language of the population was nearly equally divided between English and Welsh. This was the largest class, and it had often come under his notice in different forms. Applications had frequently been made to him, where Welsh was the language most familiar to one portion of the parishioners, from the English portion of the parishioners to suppress the use of the Welsh language in the services of the Church altogether. No doubt there was great temptation to take such a step as that, in the relief it gave to the minister, who would otherwise be obliged to provide two services for two distinct congregations. Still he had always felt it to be his duty to resist every such application, although backed by numerously-signed memorials or petitions from the parishioners themselves. At the same time he agreed with the noble and learned Lord that it was by no means necessary for the performance of religious services that the persons entrusted with them should be invariably Welshmen. Whether that were so or not, his right rev. Friend thought this was a case in which the services could not be left to be performed by any person, Englishman or Welshman, who did not possess entire familiarity with the language. He therefore expressed his entire assent to that part of the statement of his right rev. Friend which referred to this qualification of persons entrusted with the services of the Church in Wales; and his conviction that among all the causes which had tended to the depression of the interests of the Establishment in Wales, there was not one which had operated so powerfully and so injuriously as the opposite policy to which he had alluded. He must own, however, that the case which his right rev. Friend attempted to make out, even if he had succeeded, would not have been a sufficiently strong ground for the measure he proposed. Still he had felt it his duty to add whatever information could be derived from his testimony upon those points, to the necessity of which his right rev. Friend had referred.

The Bishop of LLANDAFF, in reply, stated that the noble and learned Lord on the Woolsack had scarcely touched upon the real groundwork of the application to their Lordships, which was strictly confined to the interest of the Church, where the Welsh language in any degree prevailed, and where no positive line could be drawn, but each case must be decided by its own circumstances. He had entered into a variety of irrelevant details, into which he would not follow him. He had distinctly informed Mr. Taynton that he would consent to his institution, if upon examination he was found qualified. Mr. Taynton shrunk from examination. The delay did not originate with the Bishop. It was entirely caused by the Lord Chancellor, who would not even consent to an arrangement which his own nominee desired, and which the Bishop approved as the best thing that could be done for all the parties. The Bishop read part of a letter from Mr. Taynton, complaining that "he had been kept by the Chancellor in a state of harassing suspense more than eight months." That suspense still continued. He had acted throughout wholly from a sense of duty, and certainly without harshness towards the gentlemen concerned, and he hoped that this discussion would not be without beneficial effects; and also that he would be acquitted of the charges that had been made against him in reference to his treatment of the two gentlemen who had lately been presented to livings in his diocese. He wished, moreover, to guard against the imputation of withdrawing this Motion because he had not sufficient grounds for sustaining it. He had been told by the noble and learned Lord that he had his remedy at law if he required it; but he must say he was not satisfied upon that point. His only remedy lay in appealing to public opinion, with the hope that such a maladministration of a sacred trust would, when exposed, be universally condemned, and thus lead to the correction of such abuses in future. He would not, therefore, press his Motion, and he begged now to withdraw it.

Motion withdrawn.

House adjourned.

HOUSE OF COMMONS,

Friday, May 19, 1848.

Minutes.] Public Bills.—1° Administration of Criminal Justice; Maxwell's Restitution.

2° Maxwell's Restitution.

Petitions Presented. From the Mayor, Aldermen, and Burgesses of Cork, for Repeal of the Union with Ireland.—By Mr. Vernon Smith, from Northampton, for Adoption of Universal Suffrage.—By Mr. Gardner, from Quorndon (Leicester), for Abolition of Church Rates.—By Mr. William Evans, from the Baptist Congregation of St. Mary's Gate Chapel, Derby, for the Discouragement of Idolatry (India).—By Mr. Christopher, from Donnington (Lincoln), and several other Places, for Better Observance of the Lord's Day.—By Mr. Adair, from the Presbytery of Ballymena (Ireland), and several other Places, in favour of the Places of Worship Sites (Scotland) Bill.—By Sir H. F. Davie, from the Town Council of Dunbar, for Abolition of University Tests (Scotland).—By Mr. Alexander Hope, from Maidstone, for Repeal of the Duty on Attorneys' Certificates. By Sir R. Peel, from Benjamin Rattray, and Others, for Reduction of Duty on Colonial Sugars.—By Mr. Bright, from Benjamin Peckett, of Dorton, complaining of Exemption of Woods from Parochial Burthens.—By Lord Ashley, from Ministers of the Presbyterian Church in England, in Synod Assembled, against the Diplomatic Relations, Court of Rome, Bill.—By Mr. Brotherton, from Salford (Lancaster), in favour of Secular Education.—By Mr. Cole, from Enniskillen, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—From Householders of Dublin, for Facilitating Ejectments.—By Mr. Cole, from Fermanagh, for Alteration of the Imprisonment for Debt (Ireland) Bill.—By Mr. Brotherton, from Richard M'Cormick, of No. 52, Devonshire Street, Hulme, Manchester, for Inquiry into his Case.—By Sir H. F. Davie, from Dunbar, for Ameliorating the Condition of the Parochial Schools (Scotland).—By Mr. Sharman Crawford, from Rochdale, for Alteration of, and by Lord Ashley, from Bath, in favour of, the Public Health Bill.—By Mr. Moody, from Yeovil (Somerset), in favour of Remedies against the Hundred Bill.—By Mr. Smollett, from Commissioners of Supply, for Completion of the Survey of Scotland.

PUBLIC HEALTH BILL.

House in Committee on the Public Health Bill.

On Clause 19, which regulates the qualification of electors and scale of voting, being proposed,

Captain PECHELL objected to the principle of giving an individual a number of votes in proportion to the amount of property possessed by him. He protested against the unconstitutional system of plurality of votes, being incorporated in the present measure.

Viscount MORPETH said, it was true that the principle was borrowed from the Poor Law Act, and he thought it a just one.

Mr. HENLEY said, that he had not yet been able to determine what portion of the expense to be incurred under the Act would fall upon the owner of property, and what portion upon the occupier. At present it appeared doubtful whether the sewers rate (which now was a landlord's tax) would not henceforth be a tenant's tax. In that case it would be only fair to give all occupiers a vote. At the same time, he thought it would be desirable to establish a scale of voting in proportion to property, otherwise the poorer classes might defeat the object of the Bill, in order to relieve themselves from the burden of rating.

Mr. HUME reminded the Committee that, by this Bill, a poor man was not eligible as a member of the local board, therefore it became more incumbent on Parliament to give him an equal power with his richer neighbour to vote for the election of others; but by conferring a plurality of votes on men of property, the poor man's vote would be rendered valueless. The municipal system which had been adopted had worked most beneficially and harmoniously; where all persons rated were entitled equally to one vote. The same system should be pursued with regard to sanitary regulations.

Mr. GRANGER said, that by this clause, the ratepayers and owners of property of a rateable value amounting to 100*l.*, and less than 150*l.*, should have three votes. He would move that the words "one hundred and fifty pounds" be struck out, and the words "two hundred pounds" be inserted.

The ATTORNEY GENERAL observed, that as the chief business of the local boards would be the construction of a sewerage, it was highly desirable that the holders of property should have a potential voice in the matter, because they would take care, for the sake of their own interests, that the money laid out should be expended for a permanent work, and one that would not require to be performed again. If the small occupiers had to decide what works should be executed, they would only do what was necessary to be done at the time. The principle of a plurality of votes was part of the poor-law, of which no complaint had been made, though complaints had been directed against the central authority.

House in Committee.

Mr. MUNTZ had heard a great deal about this Bill being a Bill for the benefit of the poor man; but he wished to know why so much pains were taken to keep the management of matters in the hands of the rich?

Viscount MORPETH observed, that although, in the opinion of Her Majesty's Government, a central board could not be dispensed with, they thought that the local boards might be so constituted as to give as little occasion as possible for interference by central authority. He must say, that although he had received many communications from the country on the subject of this measure, he had not received any remonstrance against this particular clause.

Sir W. CLAY observed, that in corporate towns the boards of health would be elected by single votes, while in towns not incorporated plurality of voting would prevail. Nothing could be more unpopular among the large constituency which he represented than the latter plan.

Viscount DUNCAN opposed the clause as it stood. He saw no reason why persons, under this Bill, should not possess votes in the same manner and upon the same terms that they did under the Municipal Corporations Act.

Lord J. RUSSELL said, that the noble Lord the Member for Bath seemed to deny that the present measure was a poor man's Bill; but he appeared to forget that the question before the Committee was not one as to political franchise or political voting, but one which was highly important to the public health; and the question which the Committee had to decide was, whether or not there should be a plurality of votes or merely a right of single voting. Now, he did not see it was much to the purpose to state what was the practice in Scotland, but what was likely to work well here. Many hon. Members then present would recollect, that in the year 1817 the existing state of the poor-laws attracted a great deal of serious attention, and that a Committee had been appointed for the purpose of inquiring into the whole subject. Mr. Sturges Bourne was the chairman of that Committee; and the report of that Committee recommended that plurality of votes should be resorted to. The maladministration of the poor-law had been much complained of, and it was considered that the advantage which a plurality of votes would give to property, must have a tendency to correct that maladministration. In the year 1818, Parliament adopted the recommendation made by the Committee over which Mr. Sturges Bourne presided; and from that time forward in every revision which the poor-law underwent, that principle was recognised and acted on. Even the last occasion upon which any change was made—namely, in the year 1844, the same provision was continued which had originally been taken up in the year 1818. It appeared to him that the argument of his hon. and learned Friend the Attorney General had been misapprehended; he argued that persons of property were interested in the permanency of public works; they were interested that works executed on their own properties should be substantial and likely to be durable, but small occupiers having no permanent interest, were indifferent upon such subjects.

Mr. BROTHERTON said, his constituents were not interested in the matter, because, being a corporate borough, they were not affected by the clause. He merely rose to state, that the owner would pay at least five times as much as the occupier. If there were a street in any town not sewered or paved, or if a new street were made, all the expenses were laid in the Bill upon the owner. Until the street was completed, it was not looked upon as a highway, and the occupier was not liable to any payments in respect to its sewerage or maintenance.

Mr. WAWN claimed the vote of the hon. Member for Salford (Mr. Brotherton) if he wished to maintain his character for honesty. The hon. Member said, this clause did not concern his constituency, because their town was a corporate one; now he called upon him to give the same privileges to the town he represented, which had not a corporation.

Captain PECHELL wished the House to remember that the noble Lord (Lord J. Russell) had declared that the present Bill was not a poor man's Bill. [Lord J. Russell: I said no such thing.] That was the conclusion naturally to be drawn from the noble Lord's speech. He must deny that the clause was framed on Mr. Sturges Bourne's Act. It was framed on an entirely new principle, which gave the owner double the number of votes possessed by the occupier. Nobody could deny that Brighton, the town he represented, was clean, well-drained, and healthy; and yet that was effected under a system of single voting.

Mr. GRANGER would withdraw his Amendment, as it did not seem to meet with much favour from the Committee, inasmuch as it went too far for Her Majesty's Government, and not far enough for his hon. Friends near him. The House had, therefore, better first decide whether it was in favour of single voting or plural voting.

Amendment withdrawn.

Mr. MUNTZ could not believe the House saw the position in which it would be placed by this change. In a town not now a corporation, the votes were plural; but what would they do when such a town happened to be made a corporation?

The House divided on the question that the clause stand part of the Bill:—Ayes 113; Noes 38: Majority 75.

List of the Ayes.

Abdy, T. N.
Adair, H. E.
Adair, R. A. S.
Anstey, T. C.
Armstrong, R. B.
Arundel and Surrey, Earl of
Baines, M. T.
Bellew, R. M.
Benbow, J.
Bentinck, Lord H.
Berkeley, hon. Capt.
Brackley, Visct.
Brooke, Lord
Brooke, Sir A. B.
Buck, L. W.
Bunbury, E. H.
Busfeild, W.
Campbell, hon. W. F.
Cholmeley, Sir M.
Christy, S.
Clive, H. B.
Cochrane, A.D.R.W.B.
Courtenay, Lord
Cowper, hon. W. F.
Davie, Sir H. R. F.
Drumlanrig, Visct.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Edwards, H.
Evans, W.
Ferguson, Sir R. A.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
French, F.
Galway, Visct.
Gladstone, rt. hon. W. E.
Graham, rt. hon. Sir J.
Granger, T. C.
Grey, rt. hon. Sir G.
Grey, R. W.
Guest, Sir J.
Halford, Sir H.
Hawes, B.
Hay, Lord J.
Heald, J.
Henley, J.
Herbert, rt. hon. S.
Heywood, J.
Hildyard, T. B. T.
Hobhouse, T. B.
Hodges, T. L.
Hood, Sir A.
Howard, P. H.
Hudson, G.
Inglis, Sir R. H.
Jervis, Sir J.
Johnstone, Sir J.
Keppel, hon. G. T.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Mackinnon, W. A.
Maitland, T.
Manners, Lord G.
Marshall, J. G.
Mitchell, T. A.
Morgan, O.
Morpeth, Visct.
Morison, Sir W.
Mulgrave, Earl of
Newdegate, C. N.
Norreys, Lord
Paget, Lord G.
Parker, J.
Patten, J. W.
Pendarves, E. W. W.
Pigott, F.
Pinney, W.
Power, N.
Price, Sir R.
Pugh, D.
Rice, E. R.
Rich, H.
Romilly, J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Seymer, H. K.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Slaney, R. A.
Smith, J. A.
Smyth, Sir H.
Smyth, J. G.
Somerville, rt. hn. Sir W.
Spooner, R.
Stanton, W. H.
Sturt, H. G.
Sutton, J. H. M.
Talfourd, Serj.
Towneley, C.
Tynte, Col.
Verney, Sir H.
Vivian, J. E.
Vyse, R. H. R. H.
Ward, H. G.
Watkins, Col.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.

Hill, Lord M.
Tufnell, H.

List of the Noes.

Barnard, E. G.
Berkeley, hon. H. F.
Bernard, Visct.
Bowring, Dr.
Brotherton, J.
Brown, W.
Clay, J.
Clay, Sir W.
Crawford, W. S.
Duncan, Visct.
Fergus, J.
Fox, W. J.
Freestun, Col.
Frewen, C. H.
Greene, J.
Grosvenor, Lord R.
Hall, Sir B.
Hardcastle, J. A.
Henry, A.
Humphery, Ald.
Kershaw, J.
King, hon. P. J. L.
Meagher, T.
Mowatt, F.
Muntz, G. F.
Pilkington, J.
Reynolds, J.
Salwey, Col.
Sidney, Ald.
Strickland, Sir G.
Stuart, Lord D.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Walmsley, Sir J.
Wawn, J. T.
Wood, W. P.

TELLERS.

Hume, J.
Pechell, Capt.

Clause agreed to.

On Clause 29, the duty of the Local Board of Health, from time to time, to appoint fit and proper persons to be surveyor, inspector of nuisances, treasurer, &c., the appointment of the surveyor to be subject to the approval of the General Board of Health,

Mr. HENLEY objected to the latter provision. It would be much better not to divide the responsibility, but to leave the entire matter of the appointment of the surveyor in the hands of the local board. He could not understand what good result would follow from enacting that the appointment should be subject to the approval of the central board.

Mr. HUDSON said, the local authorities were permitted to appoint their town clerks and other officials; and why should the local boards of health not have the full control of such an officer as a surveyor?

Viscount MORPETH observed, that he had already given up to the local boards many of the appointments of officers. His own opinion was, that in the cases both of the surveyor and of the inspector of nuisances, it was desirable that a power of approval should be retained in the hands of the central board. The inspector, from the very nature of his office, was liable to become the object of petty local jealousies, because of the faithful discharge of his duties; and on that account it was highly desirable that he should be enabled to fall back for protection on the central body. He (Viscount Morpeth) was willing to concede to the local boards unreserved authority in the case of the surveyor; but he hoped the Committee would not press him to deprive the officer of health of the shield which was afforded to him by that enactment of the Bill which provided that he should, in some degree, be under the authority and protection of the general board.

Mr. HUME was sorry that the noble Lord had given way even to the extent he had. He had seen sufficient of local officers, appointed exclusively by local boards, to be sensible of this fact, that they had great difficulty in acting with justice and firmness when the proper discharge of their duty happened to come in collision with the interests of the board; and it was, therefore, highly expedient that they should be protected as much as possible. It was desirable that the officers should be appointed by the local boards; but they should be at least subject to the superintendence of the general board.

Mr. HENLEY asked, how the hon. Member for Montrose would feel, if, acting, for example, as a commissioner of sewers, he was to find the appointments of the commission controlled by a superior power in the metropolis? He did not see why the inhabitants of such towns as Manchester and Birmingham were not as much to be trusted in the election of office-bearers as the commissioners of sewers.

Clause agreed to.

On Clause 31, having reference to the preparing of a map of the sewerage, being proposed,

Mr. HENLEY said, he hoped the noble Lord would consent to expunge this clause. The clause provided that the local board should send to the general one for approval a map and plans, showing how it was proposed to drain the district; and that if the general board gave their sanction, it should then be the duty of the local board to carry out the plan. Supposing, however, that the latter body did not wish to do anything at all, they might send up plans which they knew would not be approved; these plans would be sent back as insufficient. In two or three months after, other insufficient plans would be forwarded, and also returned; and thus the inhabitants of the neighbourhood would be taxed for the preparation of useless plans. Under these circumstances, there would be no power of compelling the local board to take any steps. On the other hand, as regarded parties who were disposed to do what was necessary, it could not be supposed that such towns as Manchester, Birmingham, Bristol, and York, would be unable to find persons skilful enough to give advice in such matters. If they left the matter to local boards, very imperfect plans would be sent up. He hoped the clause would be struck out of the Bill.

Viscount MORPETH hoped a general system would be carried out as proposed. He wished, however, to go as far as he could to promote a system of encouragement, instead of one of punishment. He therefore intended to propose that the latter part of the clause should be struck out, and that a proviso should be inserted to the effect that local boards should propose plans for general drainage of the respective towns.

Clause agreed to.

In Clause 50, relative to furnaces being so constructed as to consume opaque smoke, the insertion of the words, "mines and works for the manufacture of bricks and other articles of clay," with a view to except them from the operation of the clause, was moved by Mr. FOLEY.

DR. BOWRING said, that he scarcely thought that the Amendment went far enough. He considered that collieries ought to be also included among the excepted works.

VISCOUNT MORPETH said, that considerable uneasiness had been created among some trades as to the application of the clause as it originally stood. It was stated that there were certain processes in the manufacture of glass and metal in which the smoke could not be consumed; and the Government had accordingly agreed to omit from the provisions of the clause glass works, metal works, and potteries. He was willing to extend the exception to other works similarly circumstanced, including brickworks and limeworks. In fact, wherever furnaces were used, it was difficult to apply the enactment; but this difficulty did not apply to any works in which a steam-engine was used. Steam-engines were universally used in collieries, and he could not, therefore, consent to extend the exception to these works. He might add, that he was himself interested in collieries, as his father was a considerable proprietor of coal fields.

MR. HUDSON said, that he thought coke works ought to be excepted from the Bill.

An HON. MEMBER observed, that, if the Bill had been passed as it had been originally introduced, the effect of it would have been to cause the employers in the manufacture of coke and many other articles to dismiss all their men. As the clause at present stood amended, some of the objections to it were removed; but he could tell the noble Lord that the master manufacturers put very little faith in the amendments which had been introduced.

SIR J. WALMSLEY said, that the iron manufacturers in the country would find the utmost difficulty in carrying out the provisions of the clause. In Staffordshire, where there were important manufactories of coke, it would be found highly objectionable to enforce the clause. It was very necessary for the House to consider whether such important manufactures should be disturbed.

MR. BAILEY thanked the Government for bringing in the measure, the principle of which he recognised to be highly beneficial; he must say, however, that he considered the clause to suppress smoke would be exceedingly injurious in the manufacture of iron. He had been in the habit for many years of burning 1,100 tons of coal a day, and he had tried many methods for the consumption of smoke. But he had not been successful further than to save himself from heavy penalties. If the coal was bituminous it was impossible to prevent a great degree of smoke. He would be very happy to support the Government in anything which was practicable, but he considered that it would be impossible to enforce this clause.

MR. HUTT said, that the clause had excited great alarm in the northern districts. To forbid smoke was virtually to forbid the manufacture of coke, for the latter was made by the smoke.

VISCOUNT MORPETH: Considering the strong opinions which have been been expressed upon this subject, I think it will be more expedient to agree to the clause at present. I will take the objections into consideration, and state my intentions upon it upon the bringing up of the report.

SIR EDWARD BUXTON said, that the firm with which he was connected had made various experiments for the consumption of smoke, and had incurred very heavy expenses in endeavouring to attain that object, in which they had not succeeded. There was no expense to which they would not be willing to go could they but succeed. The subject was most difficult, and very comprehensive; and he was of opinion that the present state of knowledge upon the matter was so defective that there was little room to hope for success.

CAPTAIN HARRIS hoped that the Government would not abandon the clause, but would endeavour to carry it out, at least as far as it was practicable.

MR. EDWARDS: I perfectly coincide with the opinions of the hon. Member who has just addressed the House, and I trust the noble Lord at the head of the Woods and Forests will not again be induced to give way. Having myself seen the experiment tried for more than two years, I can speak with perfect confidence to its practicability; and I am perfectly satisfied, that in all cases where a steam engine is employed—by the use of a proper furnace, and due attention on the part of the fireman—no opaque smoke need issue from the chimney, and the saving of fuel is very considerable. The great difficulty to contend against is in overcoming the scruples and prejudices of the stoker, who, independent of the little extra trouble he may have in feeding his furnace, has no particular inducement to abate the evil. On the contrary, I have great reason to believe that the man is generally remunerated by certain parties in proportion to the quantity of coal he consumes. Living as I do in the centre of one of the most beautiful, and at the same time one of the most populous, districts of England, I deeply deplore this growing evil, being quite alive to the monstrous and most intolerable nuisance; which, besides being most obnoxious to the feelings and comfort of the inhabitants, is acknowledged by all to be most deleterious, and prejudicial in the highest degree to animal and vegetable life. I must again urge upon the noble Lord the desirability of adhering to the clause as it now stands, although I confess that, as far as the consumption of smoke is concerned, I infinitely prefer the original to the amended Bill—which, to my sorrow, I find is partly burked by the words "if practicable" being smuggled into it.

Clause agreed to.

Clauses to 56 agreed to.

The House resumed. Committee to sit again.

House adjourned at half-past Twelve o'clock.

HOUSE OF LORDS,

Monday, May 22, 1848.

MINUTES.] *Took the Oaths.*—Several Lords.

PUBLIC BILLS.—1ª Cruelty to Animals Prevention.

3ª Assignment of Ecclesiastical Districts.

PETITIONS PRESENTED. By Lord Redesdale and Lord Stanley, from Derbyshire, Herefordshire, Yorkshire, and several other Places, against the Jewish Disabilities Bill.—By Lord Portman, and the Bishop of Norwich, from Lanarkshire, and the Members of several Religious Societies, in favour of the Jewish Disabilities Bill.—By Lord Campbell, from the Members of several Religious Societies, and Others, against the Sale of Intoxicating Liquors on Sundays.—By Lord Portman, from several Charitable Institutions, to be relieved from the Payment of Legacy Duty on Bequests made to them.—By the Earl of Cawdor, from the Presbytery of Orkney, Clare, and other Places, for Facilitating the Attainment of Sites for Churches.—By Lord Redesdale, from the Mayor, Aldermen, and Others, of the City of London, in favour of the Smoke Prohibition Bill.—From the Members of several Lodges of the Independent Order of Odd Fellows, for the Extension of the Provisions of the Benefit Societies Act to them.—By Lord Portman, from Middlesex, for an Extension of Suffrage, Vote by Ballot, and Triennial Parliaments.—From the Members of the Presbyteries of Aberlour, Alford, and several Others, against the Marriage (Scotland) Bill, and Registering Births, &c. (Scotland) Bill.—From the Parish Schoolmasters of Kirkwall, for Improvement in the present System of Parochial Education, Scotland.—By the Marquess of Breadalbane, from the Ministers and Members of several Religious Bodies in Glasgow, and other Places, against the Diplomatic Relations, Court of Rome, Bill.—From Dumfries, for the Prevention of Sunday Travelling on Railways.—From the Magistrates and Town Council of Perth, for the Repeal of the Law of Entail, Scotland.—From the Parish of St. Mary, New Ross, against the present System of National Education, Ireland.—From the Clergy of Ipplessen and Plympton, against any Addition to the Conditions of Parliamentary Grants to National Schools.—From Tillicoultry, for the Repeal of the Game Laws.—From the Clergy of Cadbury, for Increasing the Number of Bishops.—From the Clergy of Cornwall, and Others, for an Alteration of the Law relative to the Election of Bishops.—From Clergymen in the Deanery of Torrington, that the Clergy may be relieved from Assessment upon their Rent.

DIOCESE OF LINCOLN.

In reply to a question by Earl BROWNLOW, having reference to some recent statements respecting the clergy of Lincoln,

The BISHOP of LINCOLN said: I feel obliged to the noble Earl for putting the question, and enabling me to offer an explanation upon the subject to which it relates. As soon as I read the report of the hon. Gentleman's (Mr. Horsman's) speech in the *Times* newspaper, which represented him to have said that two clergymen in Lincoln or the neighbourhood had died of starvation, thinking that such a statement cast a great stigma upon the clergy of the county, I requested the hon. Gentleman to furnish me with the names of the two clergymen. In his answer he tells me that the report in the *Times* is incorrect—that he did not state that two clergymen had died of starvation; but that he could give instances of clergymen who had died in such a state of destitution that it would hardly be too much to say that it was bordering on starvation. In confirmation of this, as I asked him for two cases, he enclosed an extract from a report made to him on the subject in January last, and of the correctness of which, in all essential points, he had no doubt. He adds, they are by no means the only cases of extreme destitution and suffering which he could cite:—

"In the parish of Auborne, six miles and a quarter from Lincoln, there died, in the year 1834, the Rev. Mr. Watkins, the vicar of that parish. He came there in 1810, a widower. Some years after he became afflicted with a cancer. Of course he stood in urgent need of the best medical assistance; but his income, 54*l.* per annum, and that sometimes not regularly paid, precluded the possibility of his obtaining such advice. His disease became so terrible, and superadded to the misery of his position, weighed down his health and spirits so heavily, that he was driven to the consumption of opium in order to produce stupefaction. Thus he went on for several years. The services of the Church were of course neglected. Sometimes there was no service for six or nine weeks together. No administration of the sacrament for two years. A large dissenting chapel sprung up, and the district soon became, what it still remains, the focus of dissent. Sometimes, when the poor vicar awoke completely to a sense of his position, it is reported his feelings proved almost maddening. He had no one to care for him — not even a servant to look after him. He was obliged sometimes — so deep was his poverty—even to beg his daily bread. He was forced to the humiliating necessity of asking for the smallest sums of money from neighbouring clergy—not as a loan, but absolutely as a gift. At last death put an end to his sufferings, which it must indeed have required all the fortitude of a Christian minister to endure — agony of body, agony of spirit, agony of mind! He died with no other attendant about him than a charwoman; and he was buried at the cost and by the direction of the clergy of the adjacent villages. Nor is this a singular case of distress. Within the last few days a case has occurred in this very city, by no means dissimilar from that I have depicted. The incumbent of a parish of 95*l.* a year, two miles from the cathedral, has died. His death was occasioned, I am sorry to say, by his own excesses, and therefore that amount of pity cannot be entertained for him that must be felt for the poor vicar of Auborne. But the account of his death — I have it from one cognisant of all the facts — is dreadful. He had been sometime ill; his wife was ill also. The only other person in the house was a little workhouse girl of fifteen or sixteen years of age—a dreadful beginning of life, indeed, for her. In the middle of the night this child was awoke by the poor man's groans. She went to his room, found him writhing in extreme agony, threw a sheet over him, and left him to expire. A dog could scarcely have died more wretchedly. It was not till late in the evening that any one could be got to approach the wretched death-bed. When they searched the house not a single coin of any kind, nor a single article of food, was to be found. The body of this clergyman of the Established Church of England and Ireland was interred at the cost of Archdeacon Bonney."

On the first of the two cases, which occurred fourteen years ago, when I was not resident in the county, and consequently could not be acquainted with the circumstances of individual clergymen in it, I can say little. I remember only that Mr. Watkins was represented to me as very poor; and, if my memory does not deceive me, he had once been confined for debt in Lincoln Castle; but I am confident that the neighbouring clergy would never have allowed him to die of starvation. The second is a recent case, and I know that Mr. Baker died in circumstances of extreme destitution; but he had contracted inveterate habits of drinking, and his death was the consequence of those habits. I know that he had borrowed money of the Dean of Lincoln within six weeks or two months of his death; but if a clergyman spends all that he receives in the purchase of intoxicating liquors, how can he do otherwise than die in extreme destitution? I will offer no further remarks on the hon. Gentleman's statement, because as the report in the *Times*, the only one which I have read, appears to be incorrect, I may be commenting on that which the hon. Gentleman did not actually say. He quoted a letter from a correspondent, giving an account of a clergyman who rode over the country performing several duties on the Lord's day, in churches at great distances from each other. My persuasion is, that this statement, if inquired into, would be found to relate to facts which took place some years ago. But I must be permitted to remark, that if the hon. Gentleman's correspondent had communicated the facts to the bishop of the diocese at the time when they took place, in order that means might be taken to prevent their recurrence, he would have shown a more sincere desire to correct the abuses in the Church than by the course which he has taken.

NATIONAL EXPENDITURE.

The EARL of ELLENBOROUGH rose to move—

"That there be laid before this House an Account of all Charges of which the Amount was voted and appropriated from the Public Revenue in 1838, and which were defrayed out of the Consolidated Fund in 1847; also of all Charges defrayed out of the Consolidated Fund in 1838, of which the Amount was voted and appropriated from the Public Revenue in 1847; showing the Amount of each several Charge in each year from 1838 to 1847, both inclusive, and whether defrayed from the Consolidated Fund, or voted and appropriated from the Public Revenue in each Year."

In bringing forward this Motion the noble Earl said, he wished particularly to draw their Lordships' attention to the great increase which had taken place in the sums expended in Miscellaneous Services every year for the last ten years. During that period there had been three Administrations in this country; and so far as the expenditure went there was no distinction to be made between them — there had been a progressive increase in the Miscellaneous Expenditure every year since 1838. While it was happily in the power of Government every year to propose the remission of some tax, because the revenue was annually increasing, and there was consequently an annual surplus of income over expenditure, it was natural there should be a disposition on the part of Government to adopt, and of Parliament not to discourage, some additional items of useful expenditure; but those days were now gone by, the revenue of the country was no longer equal to the expenditure, and their Lordships could not but perceive that there was on the part of the people a great reluctance to submit to any increase of taxation in order to equalise them. Nor could he entertain any hope, nor did he think their Lordships could nourish such hope, that there would be any material increase in the revenue of the country, with the present amount of taxation. The prosperity of the revenue of this country depended upon the export of our manufactures; and it was impossible, looking at the present distracted state of the Continent, to expect that we should be enabled for some years at least to increase our exports of manufactures to the Continent. If the convulsions on the Continent continued, it was impossible to imagine that our exports could increase, unless, indeed, those convulsions should continue so long as to utterly destroy the manufactures of the Continent, when a state of things might occur, such as had occurred at the conclusion of the last war, when we had the monopoly of the supply of the Continent; but however much he might desire the prosperity of his own country, he had no wish to see that prosperity produced by such a fatal result. But unless such an event should occur, there was no reasonable prospect of an increase in the revenue of this country. They were now defraying the surplus expenditure out of the balances of the Exchequer. That was a system which could not last; and the strictest economy, therefore, became an imperative duty on the Government and on the Legislature. It was because he was strongly impressed with this conviction that he was desirous of drawing the attention of their Lordships to the subject. He was satisfied they were now at the commencement of a great and protracted struggle. He did not mean to say that they were about to be engaged in war, but they were at the commencement of a state of convulsion among the States of the Continent, which would impose upon them the necessity of keeping up the defensive establishments of the country for some time to come in a state of preparation for war; for, however much we might desire to preserve peace, we did not know how soon war itself might be forced upon us. This was no time for the proposition of organic changes; he was satisfied that nothing but the absence of all agitation for organic changes could enable us to preserve our institutions secure amidst the wreck of the institutions of the nations around us. But while he said this, he said at the same time, it was the absolute duty of the Government, by every means in their power, to show the people of this country that their present constitution gave them every practical advantage which had at any time been enjoyed in any country, under any constitution; but, above all, that could be best done by showing them that our present institutions were not only compatible with, but were best adapted to secure an economical and at the same time a controllable distribution of the national revenues. No Government could stand long that did not economise the national expenditure to the utmost possible extent; and if the Government should fall through want of economy, or by reason of financial difficulties brought upon them by a disregard of systematic economy, it would in its fall bring down with it a large portion of the constitution. He had thought it necessary to say these few words before drawing the attention of their Lordships to the immense increase which had taken place in the Miscellaneous charges during the last ten years. In the year 1838, besides the special and occasional charges, the total charge for Miscellaneous Services was 2,330,000*l.*, and in 1847 it was 3,659,000*l.*, showing an increase on the total charge for 1847, as compared with the total charge for 1838, of 1,327,000*l.* But from the mode in which the accounts had been made out, the charges for the Irish Colleges did not appear in the Miscellaneous Expenses for 1837; in that year they were defrayed out of the Consolidated Fund; but they did appear in the Estimates for 1847, and they increased the Miscellaneous expenditure of that year by about 60,000*l.*, making the total apparent increase 1,387,000*l.* There were however, to be deducted from the increase in 1847 certain charges which had been transferred from the poor-rates to the Miscellaneous Estimates, and which amounted to 123,000*l.*; and also certain charges for the maintenance of prisoners, which had been transferred from the county rates, and which amounted to 268,000*l.* Neither did he think it fair to charge harbours of refuge, or the Caledonian Canal, to the Miscellaneous Expenditure of 1847; and, therefore, he would not charge the sum of 190,000*l.*, which appeared under those heads, to the Miscellaneous Expenditure of 1847. These items amounted together to 581,000*l.* But, deducting all these charges, they would stiil find that the Miscellaneous Expenditure of the year 1847 exceeded that of the year 1838 by 805,000*l.* This increase had taken place under various heads. Under the head of Public Works, with the exception of a slight diminution during one year of only 1,000*l.* the expenditure had been continually increasing every year for the last ten years. Even in the very first column, "Public Buildings and Royal Palaces," there was a very large increase. There were two heads in particular, "Buckingham Palace" and "Home Office, Board of Trade, &c.," in which the increase had been very large. Excluding all consideration of canals and harbours, from both 1838 and 1847, and comparing only public buildings and palaces, the charge in the former year was 215,219*l.*, and in the latter, 376,624*l.*; making an increase in 1847 under these heads only of 161,405*l.* The charge for Buckingham Palace alone was increased in 1847 to 50,000*l.* But the excess in 1847 was not unusual or peculiar to that year. There had been an almost unvaried tendency to increase under this head during the whole period of ten years; and, still deducting harbours and canals, the charge on the average of 1838, 1839, and 1840, was 185 268*l.*, while, on the average of 1845, 1846, and 1847, it was 304,413*l.*, being an increase on the compared average of those years of 119,146*l.* There was one charge under the head of Public Works, which he was exceedingly sorry to see. During the last ten years no less a sum than 844,700*l.* had been expended in the building of the House in which their Lordships were then sitting. He admitted that it was a matter of absolute necessity that the two Houses of Parliament should be built; but he was confident that there was no person throughout the country who viewed with less pleasure than their Lordships the extravagant expenditure which had been lavished on the building of the two Houses of Parliament. He regretted to see that expenditure still going on, apparently without check. It might be very well to continue a lavish expenditure on the erection of these Houses, and to have a magnificent palace, if they could afford it; but even then, when he looked around him, he could not but express an opinion, that this was not the style of building fit for the palace of a nation in the maturity of its strength; it was more suited to the vain-glorious old age of a declining country. Rather than these lavish ornaments, he would like to see a plain building, suited to the plain habits of our ancestors; and he only hoped that they would transact the business of the country in this House as well as their predecessors had in the ordinary and plain building with which they had been satisfied. There was also another charge under this head to which he wished to draw the attention of their Lordships. It was his desire that every possible accommodation should be afforded to the wearer of the Crown and to the members of the Royal Family—that the Sovereign should be placed in the position of the utmost possible comfort; but he could not but express his regret that the heavy charges for increased buildings for Buckingham Palace should have fallen upon the year 1847—the year of great public distress. It would be most satisfactory to add to the accommodation at Buckingham Palace, if the revenue could afford it; but he hoped that the Government would give the country an assurance that there should be no further expenditure under that head until the revenue should be equal to the expenditure. They might afford to build palaces out of a surplus revenue, but they could not afford to do so while the revenue was deficient. There was one charge, which was small in amount indeed, but which he hoped not to see again, for it was perfectly indefensible in the present condition of the country—it was an amount of 22,000*l.* for a palm-house at Kew; and, again, there was another sum of 22,000*l.* for Trafalgar-square—which seemed to be the *Campus Martius* of those who desired to overturn the constitution. A sum of 280,000*l.* had been expended on the Caledonial Canal. Now, certainly the Caledonial Canal ought to be a work of great national benefit to authorise the continued expenditure of 50,000*l.* a year on its works. In the charges of "Salaries to Officers in the Public Departments," after deducting the charges occasioned by the transfer of the business connected with the Poor Law Department, there was an increase of 164,000*l.* He regretted to observe that there had been last year an excess of 88,000*l.* under the head of printing for both Houses of Parliament in 1847, as compared with 1838: the charges for printing and stationery were, in 1844, 217,000.; in 1845, 226,000*l.*; in 1846, 249,000*l.*; and in 1847, 295,000*l.* He hoped that the Members of the other House would consider, that by moving for the printing of papers and returns, they were greatly, and in some instances needlessly, increasing the public expenditure. There were other charges which required attention; indeed, it was impossible not to observe that there had been a great tendency to an increase in expenditure in all these charges, and especially in those under the head of Commissions. The Factory Commissions, for instance, began with an annual expenditure of 9,000*l.*; in 1846 the expenditure had increased to 15,000*l.*; and in 1847 it had amounted to 20,000*l.* These were small items, but yet they required the attention of the Government; for the enormous increase in Miscellaneous Expenditure in 1847 over 1838 consisted of these small items. There was one charge, however, to which he must draw the attention of their Lordships. There had been an increase in the charges for the "Salaries of the Officers of the Privy Council Office and the Board of Trade." He knew that for some time that office had to conduct all the railway business of the country; but it was remarkable, that while the increased charge for that office amounted to 12,000*l.* in ten years, the charge for 1847 exhibited a slight increase over that for 1846, although in 1846 the Railway Board had been established at an expense of 17,000*l.* Surely when that Board had been established it was understood that the railway staff was to have been transferred from the Board of Trade to the Railway Board; and yet, notwithstanding the expenditure of 17,000*l.* for the Railway Board, there had been an increase in the expenditure of the Board of Trade. It was satisfactory to observe, that although by the extension of the principle of centralisation there had been a great increase of business necessarily thrown upon the great departments of the State, yet there had been no great increase in the expenditure on that account; and any increase that there might have been under that head was more than counterbalanced by the diminution in the salaries of the officers of the two Houses of Parliament. There had been an increase, slight indeed, in the expenditure of the Ecclesiastical Commissioners; it had increased from 2,500*l.* per annum in 1838, to 3,444*l.* in 1847. The expenses of the Poor Law Commission had increased from 54,000*l.* to 59,000*l.*; the Public Record Commission, from 2,063*l.* to 12,812*l.*; and the Inspectors and Superintendents of Factories, from 9,055*l.* to 13,024*l.* He could scarcely come across an item in which there had not been an increase. Under the head of "Law and Justice," there had been an increase of 444,000*l.* in the year 1847, as compared with the year 1838. From this they would have to deduct a sum of 268,000*l.* for the maintenance of prisoners, which charge had been transferred from the county rate to the Miscellaneous Expenditure in 1845, and that would leave a real increase of 176,000*l.* To this, however, they must add law charges for England, on an average of three years, 27,666*l.*, making a total increase, under the head of "Law and Justice," of 204,059*l.* Their Lordships would hardly believe that in the item of expenses of "Prisoners" alone, there had been an increase of 110,000*l.*, and this great increase had taken place concurrently with an increase in the expenditure for education, which they had been told was to diminish crime. In 1838 there had been expended under the head of "Education, Science, and Art," 70,000*l.*, and in 1847, 200,000*l.*; if to that was added in both instances the charge for Maynooth, it would make the charge for education, exclusive of the sums voted for negro education, amount in 1838 to 107,000*l.*, and in 1847 to 284,000*l.*, showing an increase in the expenditure for education of 177,000*l.* With regard to the British Museum, he found that in the last year there had been an expenditure of not less than 60,000*l.*, and the total sum expended in the course of the last ten years in building was 400,000*l*,, while the purchases amounted to no less than 200,000*l.* Again, the School for Economic Geology, although it had been commenced at an expenditure of 2,000*l.* per annum, had risen to nearly 11,000*l.* in the year 1845, and still cost 9,000*l.* per annum. In 1847 there was voted for the "Encouragement of Arts and Sciences," under various heads, a sum of 234,000*l.* After referring to the Colonial and Consular Services, the expenditure of which had considerably increased within the last few years, the noble Lord said that in the Commission for the suppression of the Slave Trade, which had commenced originally with an expenditure of 14,000*l.* or 15,000*l.*, the charge had now risen to a sum of 23,000*l.* The total sum expended in the course of eleven years was 1,307,000*l.*, and the average of the last three years was 146,000*l.* He had mentioned the other night that there had been an enormous increase in the Mail Packet Service—the amount since 1831 had increased not less than 335,000*l.* There was also a charge of 150,000*l.* per annum for the staff of the Militia; but as that force had not been called out for a considerable period, it appeared to him that this expenditure was extravagant and unnecessary, and in these times of financial difficulty it ought to be done away with. Again, there were the enormous charges in connexion with the suppression of the slave trade. In addition to the treaty by which they were bound to maintain twenty-six vessels on the African coast, and the cruisers on the coast of Brazil, and in the Mozambique Channel, which were included in the "Navy Estimates," there were the charges for remuneration for special services, for the maintenance of the emancipated negroes, and for justices in the West Indies—a charge which was also connected with the slave trade—making a total of 82,350*l.* under this head. All these charges were matter of the most serious consideration. He, for one, was ready to give the Government everything that was necessary to maintain the public security and the public faith; but he must say that the increase which had taken place in many of those items of the public expenditure called for the greatest caution and the strictest investigation; and he thought it was absolutely necessary to postpone every charge which could be postponed without detriment to the public service, and to forego altogether every charge which the Government was not satisfied was absolutely necessary. The noble Earl concluded by moving for the returns of which he had given notice.

The MARQUESS of LANSDOWNE said, the House was indebted to the noble Earl for the candour and ability with which he had brought forward the statement which he had just submitted to the House. He could assure the noble Earl that the matters to which he had referred were the subject of constant attention and consideration. He would admit that there had been of late years, not only under the present, but also under former Governments, a constant tendency to increase in the items for Miscellaneous Services and Expenditure, which were rendered necessary by the improved requirements of society. Many of the items were not only urged upon the Government, but had been absolutely forced upon them—they had hardly ever been resisted by any party in Parliament and the country, and the Government had even incurred some unpopularity in opposing them. Their Lordships would pardon him if he refrained from following the noble Earl through the various items to which he had referred. There were no means within the reach of Parliament, or of the Government, by which the wants of a constantly increasing population, and a constantly extending empire, could be provided for without increased estimates and increased expenditure; and it would be impossible to exercise the necessary amount of control without providing for the increase of the various establishments by which the business of the country was carried on. He would notice a few items, for the purpose of confirming what he had said. There was the case of the Royal Palaces, which came first in order, and more especially Buckingham Palace. That had been originally built and occupied by a monarch who had no family; and of late years there had been a necessity for increased accommodation. But the opinion had of late been repeatedly expressed that it would be more becoming the dignity of the Crown and of the country, that instead of repairing and increasing Buckingham Palace, which was represented as unsightly and unsuitable for a Royal residence, an entirely new palace should be built for the Sovereign. The Government had been represented as insensible and unmindful of the dignity and comfort of the Royal Family, because they had not consented to build a new palace, which would perhaps have cost from 1,000,000*l.* to 2,000,000*l.* Who was it that resisted that expenditure? Her Majesty. Who had resisted it in Parliament? The Government of the day. Now, although the expenditure on that account had been large, it was inconsiderable compared with what would have been the expense of building a new palace. With regard to the Caledonian Canal, he could only say, that, after having expended so large an amount upon it, they would lay themselves open to the charge of very bad economy indeed if they had not voted the sum necessary to complete the works. The noble Earl had referred to the New Houses of Parliament; but he would remind him that it was the unanimous opinion of the country that the structure should be equally solid and magnificent. He should be sorry to see the design abandoned as regarded its main features, because he trusted they would be enabled to render the building a monument worthy of the country, and a matter of great pride to posterity. He felt, therefore, that while all the leading features of the design were being preserved, a judicious economy should be observed in carrying out the details, and that had been the case up to the present time. He would remind their Lordships that the expense had been increased by rendering the New Houses of Parliament subsidiary to the encouragement of art; and although that encouragement had been extended somewhat more than was originally intended, he did not think the country would find fault with the additional expenditure thereby incurred. Then with regard to the British Museum, their Lordships must be aware that it was not what it was forty or thirty, or even twenty years ago. The Museum was now of almost unbounded extent, and its value and importance had been of late years considerably increased. It was impossible to have that magnificent collection properly arranged unless they had a suitable building and officers properly qualified to take charge of them. He believed there was no establishment of similar extent or value in the world in which the officers were paid so low a rate of remuneration, more especially when the learning and accomplishments which these men were required to possess were taken into account. The building was now fast approaching completion, and the expenditure on that account would very shortly cease. Again, with respect to the Superintendents and Inspectors of Factories—these officers had been appointed upon principles of the purest benevolence; and in order to make that interference with the internal arrangements of the trade of the country useful and available, and not vexatious and annoying, it was necessary that the carrying out of the intentions of the Legislature should be confided to such hands as would have the law conscientiously and carefully administered. No more was done than was required by the nature of the Acts of Parliament that had been passed; and without the aid of the able and intelligent men by whom the law was administered, the country would have derived no benefit from its own benevolent intentions. The increase of offices that had taken place in the Privy Council and the Board of Trade were nearly all connected with the extension of the grants for public education. In conclusion, he would assure their Lordships that the Government were deeply convinced of the importance of carrying on the public service with the greatest practicable regard to economy, and that the subject should continue to exercise their earnest attention.

The **Duke** of **RICHMOND** thought it would be advisable to publish in future the costs of the voluminous papers which were moved for; because he believed that many of the economists in the other House of Parliament only moved for these returns for the purpose of gaining popularity with their constituents.

After a few words from Lord **Beaumont**,

The **Earl** of **HARDWICKE** said, he agreed with his noble Friend and the noble Marquess as to the necessity of their most carefully and studiously looking into the state of the public expenditure; but he did not agree with his noble Friend that the expenditure which took place in reference to great public works or great public boards was an expenditure taxing the community without considerable benefit. He was decidedly of opinion that any principle of expenditure which took from the pockets of the rich and gave to the poor was of great advantage; and such public works as the Houses of Parliament, a proper residence for the Sovereign, or keeping up a great public museum, were by no means such an expenditure as was a disadvantage to the public. He believed that that which the public chiefly complained of was the expenditure which went towards the salaries of the great public officers and the commissions which were continually being called for by every hon. Gentleman in the House of Commons, who thought it necessary that certain matters should be inquired into.

Returns ordered.

House adjourned.

HOUSE OF COMMONS,

Monday, May 22, 1848.

Minutes.] Public Bills.—*Reported.*—Maxwell's Restitution; Scientific Societies.

Petitions Presented. By Mr. Alexander Hastie, from Electors of Glasgow, and a great Number of other Places, for an Extension of the Elective Franchise.—By Mr. Cowan, from Members of the Free West Church Congregation of Perth, respecting *Quoad Sacra* Churches.—By Sir R. H. Inglis, from Members of the Presbytery of North Isles, against the Jewish Disabilities Bill.—By Mr. Blewitt, from Newport, and by other Hon. Members, from several Places, for Better Observance of the Lord's Day.—By Mr. Baillie, from Kilmorack, Inverness, and by other Hon. Members, from a great Number of Places, in favour of the Places of Worship Sites (Scotland) Bill.—By Mr. G. S. Duff, from the Parish of Urquhart, for Abolition of University Tests (Scotland).—From Justices of the Peace, Commissioners of Supply, and Freeholders of the County of Sutherland, for Inquiry into the Excise Laws.—By Sir William Clay, from several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for an Extension of the Benefit Societies Act.—By Sir William Somerville, from Clerks of Petty Sessions of the County of Meath, complaining of the Insufficiency of their Remuneration.—By Mr. Cowan, from the Provincial Synod of Angus and Mearns, against the Diplomatic Relations, Court of Rome, Bill.

IRISH FISHERY ESTABLISHMENT.

Colonel CONOLLY inquired of the right hon. Gentleman the Secretary for

Ireland whether the fishery establishments on the western coast of Ireland had answered the purpose, and paid their own expenses; and whether the Government would have any objection to communicate to the House the accounts of expenditure, &c.?

SIR W. SOMERVILLE replied, that in the instance of the Killybeg station these fisheries had been found able fully to pay their own expenses; and that although other stations had not been so productive, yet that the object for which they were set on foot—as industrial establishments—the promotion of energy on the part of the fishermen—had been quite answered, and that they had acted as very useful stimuli to exertion.

PARLIAMENTARY REFORM.

SIR DE LACY EVANS said, the Motion of the hon. Gentleman the Member for Montrose for Parliamentary Reform embraced four different points, in favour of every one of which he had himself already voted; but he wished to ask whether the hon. Gentleman would have any objection so to bring forward the subject as to put each of those heads or points to the House successively — each, in fact, as a different and independent resolution? It was the wish of many hon. Gentlemen that the hon. Member would adopt this course, as being calculated to ensure better divisions upon each proposition separately than could be expected if the House were to divide upon them as members of one general proposition.

MR. HUME had well considered the subject, and as he believed that no practical reform could be effected unless all his propositions were carried, he meant to propose them at once in the same resolution. In the event of further progress being made in the matter, each proposition would be made the subject of a separate Bill.

STAMFORD ELECTION COMMITTEE.

LORD J. RUSSELL understood that the nomination of the Stamford Election Committee, as the list of its Members stood, would lead to some discussion and to some difference of opinion in the House. He wished to suggest to the hon. and learned Gentleman having charge of the matter, whether any discussion on the subject might not be eluded by the General Committee of Elections being instructed to report to the House the names of such persons as they should think fit to have on the Stamford Borough Election Committee?

MR. W. P. WOOD was sorry that any difficulty had arisen, but he had no hesitation in agreeing to the proposition of the noble Lord.

THE SPANISH CORRESPONDENCE.

MR. BANKES wished to ask the Secretary of State for Foreign Affairs whether any further correspondence had taken place between Her Majesty's Government and the Spanish Ministry since that laid upon the table of the House; and, if so, whether the noble Lord would produce such correspondence before the subject was brought before the House, which he believed would be on Friday next?

VISCOUNT PALMERSTON replied, that some further notes had been exchanged. Indeed, there had been, of course, a good deal of correspondence on the subject. Two other notes had passed, subsequently to those he had laid on the table, which related to the personal question between Sir H. Bulwer and the Duke de Sotomayor as to the manner in which the paragraphs had appeared in the *Clamor Publico.* That correspondence, however, had no bearing upon the note Sir H. Bulwer presented to the Spanish Government, enclosing the despatch which he had forwarded to Sir H. Bulwer. He was in daily expectation of a messenger from the British Minister in Spain, and it was very probable that he would arrive before this subject was again brought under the notice of the House.

In reply to a question from Mr. H. BAILLIE,

VISCOUNT PALMERSTON stated, that a correspondence, which was rather of a private than of a public nature, had taken place between Sir H. Bulwer and the Duke de Sotomayor; but, nevertheless, if he should receive any communication by the messenger he expected to-morrow, or the following day, which might appear to him to render it necessary that such correspondence should be laid before the House, he would wave the consideration of its being of a merely confidential and private character, and would not object to its production.

PRIVILEGE—SLIGO ELECTION.

MR. ORMSBY GORE rose to move for a Select Committee to inquire into the matter of the petition of John Delany, which was presented upon the 18th day of this instant May, complaining of certain proceedings for effecting a compromise in the case of the Sligo Election Petitions. The allegations of this petition were stated clearly and broadly; and he thought it was for the dignity and independence of the House that it should receive a full investigation. The document stated that—

> "At the late election for the borough of Sligo, Charles Townley, esq., was returned as a Member to serve in Parliament by a majority of seven; that two petitions have been presented to the House complaining of said return on several grounds, but especially on that of gross and undisguised bribery; that said petitions and the recognisances thereto were sent over for presentation to the House in charge of Mr. William Kelly, of Castle Lodge, in the county of Sligo, who undertook to have the usual preliminary forms complied with, and that one (being the petition of the petitioner and Dominick Henesy) was presented on the 19th day of April; but that the other, in consequence of an informality in the recognisance, was unavoidably delayed for several days, but was eventually presented on the 1st of May; that, from certain proceedings which took place before the examiner of recognisances on the 9th instant, while examining objections urged against the sufficiency of the surety to first said mentioned petition by James Coppock, of No. 3, Cleveland-row, Saint James's, Parliamentary agent, acting on behalf of said Charles Townley, it appeared, by the admission of the said James Coppock, that certain overtures were made to said William Kelly, by said James Coppock, at the instance, and with the consent and cognisance of said Charles Townley, with a view of inducing said Kelly to compromise the trust reposed in him regarding the due presentation and prosecution of said petitions; that, in consequence thereof, the petitioner instituted a searching inquiry, and finds the facts to be, that on the 29th of April last, said James Coppock called at No. 4, Shaftesbury-terrace, Pimlico, London, the residence of said William Kelly, and, having sent in his card, introduced himself as the Parliamentary agent of said Charles Townley, at whose instance he stated he called to negotiate an arrangement for the withdrawal of said petitions, and proposed that if said Kelly would either give him (Coppock) authority to withdraw the petition already presented, and withhold the other, or could point out any other way in which the proceedings on said petitions could be stopped, nullified, or rendered abortive, that he (Coppock) would make it well worth his (Kelly's) while, as his client (said Townley) had ample means and was prepared to make any reasonable sacrifice to retain his seat and prevent the damaging revelations that should take place before a Parliamentary Committee; said Kelly said that the proposition was so very unexpected that he would require some time for consideration, but agreed to wait on said Coppock next day, which he accordingly did, when said Coppock wrote out two letters and handed them to said Kelly for perusal, stating that if said Kelly would furnish him with copies of said letters, to be used as originals in withdrawing said petition, he (Coppock) would give said Kelly one thousand pounds, and procure from said Townley a letter, pledging himself to use all his Parliamentary influence and obtain the co-operation of his brother, the Member for Beverley, and Lord Camoys, to secure a good government appointment for him (Kelly); it was then arranged that said Kelly would call next day with the copies of said letters, when said Coppock would be prepared to conclude the arrangement; said Kelly did accordingly call, when said Coppock handed him the promised letter from said Townley, which contained the required pledges, which said Kelly satisfied himself was genuine, from the strict similarity of the handwriting to a letter of said Townley's, addressed to John P. Somers, esq., the unsuccessful candidate at the said late Sligo election, which said Kelly happened to have in his possession; however, said Kelly said as the contingency of an appointment was rather doubtful and remote, he would rather abandon that part of the compact for a money consideration, when it was agreed that a further sum of five hundred pounds should be given in lieu of said letter, and that said Coppock and said Kelly should meet the same evening at seven o'clock in Bellamy's dining-rooms in the House of Commons, and finally conclude the matter; they did accordingly meet, and retired to Fendall's Hotel, when said Coppock proposed that instead of said Kelly's writing him (Coppock) a letter, authorising him to withdraw the said petition, that said Kelly should write a letter himself to the Speaker withdrawing said petition; this, after some hesitation, said Kelly did, from a copy written out at the time by said Coppock, and on said Kelly's handing over said letters to said Coppock, together with the said unpresented petition, said Coppock handed said Kelly one thousand five hundred pounds in Bank of England notes; but on said letter of withdrawal being handed to the Speaker, it appeared that said Kelly was not the authorised agent so to do; whereupon said Coppock hurried back to said Kelly, informing him of the circumstance, when said Kelly refunded the money; said Coppock since called and left his card on said Kelly, who declined having any further communication with him; that petitioner humbly submits that the conduct of said Charles Townley, and his agent said James Coppock, has been corrupt and illegal, and a gross infraction of the privileges of the House; and praying that a Select Committee of the House may be appointed to inquire into the matter, and take such other and further cognisance of it as it may deem fit and proper, in order to uphold the dignity and purity of proceedings before the House."

The hon. Gentleman continued: There was no vagueness in those charges—each of them was specific and distinct. The hon. Member read the correspondence which passed between the agent, Mr. Coppock, and the Speaker's Secretary, relative to the notice given for the withdrawal of the petition, and the warning to the latter Gentleman not to accept such notice. He had avoided all subjects of an acrimonious or party nature; but the mere statement of the facts was quite enough to satisfy the House that the matter could not rest here. A full inquiry into the truth of these statements was not only due to the Gentlemen implicated, but absolutely necessary to uphold the dignity and character of the House. He sincerely trusted the hon. Member would be able to vindicate himself. But, in addition to the charges made against him, an officer of the House, executing his important functions at their pleasure, was accused on no light grounds, and on a chain of evidence not one link of which was wanting, of conduct which deserved serious and searching inquiry. After the recent conduct of the House in assenting to an inquiry into the interference of a nobler Peer with the course of an election, they could not refuse their sanction to a Select Committee to investigate charges, involving not only the honour of the House, but the most sacred privileges of the electors. The hon. Member read extracts from the speeches of Lord John Russell and Mr. W. P. Wood on the Motion for an inquiry into the interference of the Marquess of Exeter with the Stamford election, and called on them, in compliance with the principles they had laid down and advocated, to support him in this Motion. From the high character of the hon. Member for Sligo, he hoped and expected he would be able to clear himself completely; but he could not express the same opinion with respect to Mr. Coppock. If these facts were true, every opportunity should be afforded for their substantiation; if false, the calumniators of honourable men should be exposed to that punishment which they so richly deserved.

Colonel CONOLLY seconded the Motion. He was so satisfied that the feeling of the House would lead them to consent to immediate inquiry, that he would not say one word to induce them to sift a charge of this kind, which implicated one of their officers, the character of one of their Members, and the dignity of the House itself.

Sir R. H. INGLIS said, he had been requested by the hon. Member for Sligo, against whom this petition had been presented, and of whom he should for the present speak as Mr. Charles Townley, to state in his place to the House, that Mr. Townley had assured him, on his honour, as a gentleman, that he had neither act nor part in the matter to which this complaint referred, and that he was perfectly unconscious of any portion of the transaction. He was not only personally free, as he assured him (Sir R. H. Inglis), of any taint in the matter, but he was totally ignorant of the transaction itself. Mr. Townley desired him further to state to the House, that he shrank from no investigation, and would do that which was most honourable to himself as well as to the House—which was, he might be permitted to say, stigmatised in his person by the terms of the petition—and consent to the inquiry. He felt the House owed it to itself not to yield without the fullest consideration to the honourable and generous impulse on the sitting Member for Sligo. Had not an election petition been lodged against the return of the hon. Member, and had not the Speaker declared to the House, but on their very last sitting, that the securities were unobjectionable with respect to the prosecution of the petition? Might not the matter of which this petition complained come under the consideration of the Election Committee appointed to try the former petition? Even if that were not the case, would it be fair to any hon. Member; and in saying this, he (Sir R. H. Inglis) need not state he was quite impartial, and led away by no party spirit, for he did not concur in all the sentiments of the hon. Member who had entrusted to him the duty of making these few observations—would it be fair, he asked, that while the election petition was about to be decided before the regular tribunal appointed by law and by the constitution of the country, another Committee should be sitting simultaneously to inquire into charges of a different nature, which should not be made until the first Committee had made its report to the House? He hoped, notwithstanding the feeling of Mr. Townley in favour of such an inquiry, that the House would not consent to it—at least not until the Election Committee had reported, and that they would consider whether it might not be fitting to refer the present petition to the Committee of Privileges. But he protested against two Committees sitting at the same time, with concurrent jurisdiction, to inquire into charges against the same individual—one with power to examine parties on oath, and to sift truth from falsehood by a searching inquiry; and the other carried on, perhaps, with too much party spirit, and with no security for a fair adjudication, nor for that inquiry which might take place before an Election Committee. He dissented from the Motion on the plain grounds that the law having provided a remedy for offences alleged to have been committed in respect to the election of Members of that House before a proper tribunal, it was fitting that the House should wait until that tribunal had investigated the charges before them.

MR. G. BANKES believed this question could not be referred, as the hon. Member seemed to desire, to the tribunal which sat on disputed elections; for it did not in any way bear on the decision they were called on to give. The Election Committee could only try the validity of the return, and could not inquire into such charges as those of the petition. He should prefer an inquiry before some other tribunal, with full power to investigate the whole affair. The character and experience of Mr. Coppock were no doubt high; but such charges as these could not be allowed to drop to the ground in silence.

SIR R. H. INGLIS explained. He had proposed to refer the matter to some other body, as the Committee of Privileges, for he did not think the charges should be passed over; but he protested against the sitting of any Committee of Inquiry on this matter concurrently with that of the Committee appointed to try the validity of the hon. Member's return.

MR. V. SMITH thought it was quite clear the petition was not one which could be referred to the Election Committee, for though in the wording it bore some resemblance to an election petition, the mode in which it was brought forward disentitled it to that character; and the clerks of the House, who were naturally the best authorities on such a subject, had not considered it in that light. He did not understand the ground on which the hon. Baronet (Sir Robert Inglis) founded his objection to the Motion; but he could easily understand him if he opposed it on the principle that the House had ever been jealous of appearing to anticipate in any way the decision and fair judgment of their Committees. The petition did not impute any direct charge against the hon. Member for his own conduct, but stated that he had, through his agent, endeavoured to make a compromise for his seat in order to evade the petition presented against his return. There was no analogy between the Stamford case, to which the hon. Mover referred, and the present, because in the former instance the petition was signed by 210 persons, whereas here there was only one individual who came forward with most serious charges against a Member of the House. The petition did not state that a compromise had been effected—that the petition had been withdrawn, or that justice had been evaded—on the contrary, it appeared that the whole affair had failed in consequence of one of the gentlemen accused handing over the money to the wrong person, and getting it back from him as soon as he discovered his mistake. He must say it was rather unusual for rogues, if rogues they were, to act in this way, and return the money they had got for their pains. The whole of the case might be tried before the Election Committee, for it was most likely, after what had transpired of the facts, that the cross-examination of witnesses would elicit the fullest statement of the whole subject. He hoped the hon. Member would not press his Motion to a division, but would withdraw it till the report of the Sligo Election Committee had been received.

SIR G. GREY said, that, after the statement made by the hon. Member (Mr. Gore), he certainly thought some inquiry was necessary; and if the compromise alluded to had been actually effected, and the petition withdrawn in consequence, he would have agreed with the hon. Member in thinking also that the present was the time for considering the question. He hoped that the hon. Baronet (Sir R. H. Inglis)—though he (Sir G. Grey) agreed with him in thinking that, pending the inquiry before the Election Committee, the subject should not be investigated—would not ask the House to place a negative on the Motion of the hon. Member for a Select Committee, for, by so doing, he would, if successful, prevent his being able to bring it forward in the same form again. Believing with the hon. Baronet in the inexpediency of bringing forward his Motion while the Election Committee were sitting, he still thought if that Committee were not able to institute the inquiry, that the hon. Member would have a right to ask the House for a further inquiry, in which he (Sir G. Grey) for one would gladly concur. He would, therefore, ask the hon. Member to withdraw his Motion on the present occasion, and to bring it forward after the report of the Election Committee had been presented to the House.

MR. F. FRENCH rose to say a few words in consequence of the remark which had fallen from the hon. Member for Nottingham (Mr. V. Smith) respecting the gentlemen engaged in this transaction. The hon. Member stated that among "rogues" it was an extraordinary thing to find such honesty as to induce them to return the money they had acquired. He wished to state to the House the part taken by Mr. Kelly in the business, as he had it from himself just before he came into the House. When Mr. Coppock called on him (Mr. Kelly) he did not see him, but referred him to the agent of the petitioner, Mr. Walker, and told that gentleman that Mr. Coppock wished to see him. Every circumstance in which Mr. Kelly took a part was with a knowledge of the agent of Mr. Somers, and he wrote the notice to the secretary not to take any paper from him with respect to the withdrawal of the petition. Mr. Coppock might have fallen into the snare, but he (Mr. Kelly) was not responsible for it.

Mr. GORE said, that after the wish expressed by the House and by the right hon. Baronet, he would withdraw the petition on the understanding that he should be allowed to bring it on as soon as the report of the Sligo Election Committee had been presented to the House.

Motion withdrawn.

HEALTH OF TOWNS BILL.

House in Committee on the Health of Towns Bill.

On Clause 60 (power to compel the paving, &c., of private streets),

Lord G. BENTINCK objected to that portion of the clause which makes the following provision :—

> "If any land fronting, adjoining, or abutting upon the parts of any street so sewered, levelled, flagged, paved, or channelled by the said local board, be unoccupied or unproductive, and the owner thereof shall, for the space of twelve months after demand, refuse to pay the expenses due from him, or if he be bankrupt, insolvent, or unknown to the said local board, or cannot be found, it shall be lawful for them, after the expiration of three months' notice in this behalf, affixed or placed on that land, to take possession of, and piece off, and let the same or any part thereof for any term not exceeding ten years."

He thought it was rather hard that the owner of the unoccupied or unproductive piece of land should be compelled to see his entire property seized for the maintenance of sewers from which they derived no benefit, and in which they had no interest whatever.

The ATTORNEY GENERAL explained that it was not intended that the clause should apply to highways where the public had a right to the land. But if private landed proprietors chose to open communications with public thoroughfares, their object in so doing being manifestly that of speculation and profit, it was right that they should understand the liabilities they were incurring — liabilities which it was optional with them to incur or not, and which they therefore ought not to shift upon others.

The Earl of LINCOLN observed that the clause, as at present worded, would have a retrospective as well as a prospective operation. Perhaps it would be better that it should only operate prospectively.

The ATTORNEY GENERAL dissented. If the operation were to be thus limited, proprietors who had already opened their streets, but had not dedicated them to the public, would have their sewering done at the expense of the public; whereas other proprietors, who might hereafter pursue a similar course, would have to pay the expenses of sewerage out of their own pockets.

Mr. HENLEY : It was quite possible that cases of hardship might arise under the clause, but he feared they could not be avoided. On the whole he thought that the best course the Committee could pursue was to assent to the clause as it stood.

Clause agreed to.

On Clause 63, relating to the width of new streets,

Mr. S. CRAWFORD moved to expunge the words granting a power of appeal from the local to the general board.

Viscount MORPETH thought it would be best to leave the question of width in the first instance to the local board; different towns having recommended the adoption of different widths. He thought, however, that there should be a power of appeal, and that it should be vested in the general board.

The Earl of LINCOLN said, that much as he was opposed to central control, except in cases in which it was absolutely necessary, he thought the Government were perfectly right in providing for the power of appeal in this case. That power was necessary to guard against undue favour or prejudice on the part of the local board; and he regretted that a similar power had not been given in the succeeding clause.

The ATTORNEY GENERAL thought the appeal to the general board should exist for five years. At the end of that period there might be an alteration, but an appeal to the quarter-sessions would be very expensive, and would be attended with great delay.

Mr. HENLEY supported the Amendment. He agreed with the Attorney General that the court of quarter-sessions was a most unfit tribunal for appeal; for the result must always be either a reference to a barrister, or an appeal to the Court of Queen's Bench. He was in favour of leaving the whole matter to the local board.

The Committee divided on the question that the words proposed to be left out stand part of the question:—Ayes 85; Noes 19: Majority 66.

List of the AYES.

Abdy, T. N.
Acland, Sir T. D.
Adair, R. A. S.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, M. T.
Berkeley, hon. Capt.
Bolling, W.
Bowring, Dr.
Boyle, hon. Col.
Brotherton, J.
Busfeild, W.
Butler, P. S.
Carter, J. B.
Cayley, E. S.
Clay, Sir W.
Clements, hon. C. S.
Clive, H. B.
Copeland, Ald.
Courtenay, Lord
Cowan, C.
Disraeli, B.
Drummond, H.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Ebrington, Visct.
Egerton, W. T.
Foley, J. H. H.
Forster, M.
Fox, W. J.
Grace, O. D. J.
Granger, T. C.
Greenall, G.
Halford, Sir H.
Hawes, B.
Hayter, W. G.
Heywood, J.
Hobhouse, T. B.
Hood, Sir A.
Howard, P. H.
Jervis, Sir J.
Keppel, hon. G. T.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lacy, H. C.
Lincoln, Earl of
Lushington, C.
Mackinnon, W. A.
Mahon, The O'Gorman
Maitland, T.
Maule, rt. hon. F.
Morpeth, Visct.
Napier, J.
O'Connell, M. J.
Parker, J.
Patten, J. W.
Pendarves, E. W. W.
Perfect, R.
Pilkington, J.
Power, N.
Price, Sir R.
Romilly, Sir J.
Russell, Lord J.
Salway, Col.
Sandars, G.
Sheil, rt. hon. R. L.
Sidney, Ald.
Slaney, R. A.
Somerville, rt. hon. Sir W.
Stanton, W. H.
Stephenson, R.
Sutton, J. H. M.
Thicknesse, R. A.
Thompson, Col.
Turner, E.
Turner, G. J.
Vane, Lord H.
Verney, Sir H.
Wawn, J. T.
Willcox, B. M.
Wrightson, W. B.
Wyld, J.
Wyvill, M.

TELLERS.
Tufnell, H.
Bellew, R. M.

List of the NOES.

Anstey, T. C.
Arkwright, G.
Bentinck, Lord G.
Christy, S.
Cubitt, W.
Gwyn, H.
Heald, J.
Henley, J. W.
Henry, A.
Hudson, G.
Humphery, Ald.
Locke, J.
Newdegate, C. N.
Scholefield, W.
Smyth, J. G.
Spooner, R.
Stuart, Lord D.
Sullivan, M.
Williams, J.

TELLERS.
Crawford, W. S.
Urquhart, D.

Clause agreed to.

On Clause 66 (local boards to provide sufficient supplies of water, and may erect water-works, &c.) being put, a long conversation ensued as to the literal construction of the clause.

SIR JAMES GRAHAM said, that he had hitherto abstained from taking an active part in the debate. But he could not help saying that he thought the measure had been much improved by the suggestions of the hon. Member for Oxford; and the noble Lord had done well in agreeing to those amendments, and diminishing the power of the central board. But in the clause under consideration, he feared that the powers given to the local boards would be very objectionable. If they looked to the provisions of the following Clause (67), the Committee would see that the local board was to be invested with the power of entering any one's premises; and having satisfied themselves upon the correctness of the report of their surveyor, that the premises were not adequately supplied with water, of furnishing what they should deem a requisite supply, and for the levying a rate upon the premises at their own valuation, as if the owner or occupier had of himself demanded the supply. Now he saw no security whatever that those local boards might not have a pecuniary interest in some local water company, whose interests they would be thus enabled to advance to any extent. Surely those powers were too great. Unless he heard some very good reason for retaining the 67th Clause, he should oppose it.

MR. SLANEY thought a power should be given to compel a proper supply of water to the habitations of the poorer classes; but he agreed with the right hon. Baronet, that the proposed mode of doing it was objectionable. The question really was, whether or not they should retain the portion of the clause providing for the constant supply of water at high pressure, and make it permissive only, and not obligatory.

VISCOUNT MORPETH was aware the powers taken by the clause were of a stringent and somewhat tyrannical character; and before the Committee decided upon it, he would show them the ground upon which he founded his belief that something of a very stringent character was required to meet the extensive privation under which the poorer classes suffered. The noble Lord read extracts from the evidence given before the Sanitary Commission appointed by the late Government, in which the great destitution of the dwellings of the poorer classes in point of supply of water was dwelt upon; and he contended from those statements that a supply should be made obligatory. He, however, admitted the truth of the observations of the hon. Member for Oxford, that the objects of the Bill would be best promoted by not forcing any system not yet ascertained, but by rather leaving matters which were doubtful to experiment, to ascertain what was the best mode of carrying them into operation. He would, therefore, propose in Clause 66, that instead of making the constant supply obligatory, it should be merely recommended; and, that instead of the words "duty of the local board," the words "lawful for the local board," should be inserted.

Clause agreed to.

On Clause 67,

SIR JAMES GRAHAM renewed the objections he had previously made to the powers to be given to the local board, who would be empowered to purchase the waterworks, to compel the laying on of water to their own property, to fix the price, and finally to tax the people for the supply. Besides, the rate would be one on the occupiers and not upon the owners.

The ATTORNEY GENERAL said, that with regard to the rate, there was another clause, which provided that of houses under 10*l.* all the rates should fall upon the owners, not the occupiers. As to the provisions of the clause, he thought the powers ought to be given with some qualifications, the habits of the poor requiring alteration, especially in the matter of cleanliness, as exemplified in the evidence just read by the noble Lord. He suggested some verbal amendments in the clause.

SIR J. GRAHAM did not think the proposed amendments would meet his objection. And as to the rates, even if paid by the owner, they would be laid upon the occupier in the shape of additional rent. But the hon. and learned Gentleman rather shocked him by his defence of the clause; for he said he was not satisfied with the domestic habits of the lower orders. So that he evidently intended by this minute legislation to interfere with the domestic habits of the lower classes; and one of the great objections to that Bill, excellent as it was in many respects, was, that it had that vice. It was on that account that that was the first clause which he (Sir J. Graham) thought it necessary to interfere with. He wished not to obstruct, but to advance the Bill, and he therefore should go through the clause line by line, and state his objections.

SIR W. CLAY acknowledged that the words objected to would give extraordinary powers to the local boards; yet the House must bear in mind that, under the present remiss system, there were hundreds and thousands of occupiers of small houses in London whose landlords positively refused to provide them with any water, although there were the means of obtaining it very easily in the immediate neighbourhood. The landlords would not listen to the demands of their tenants, and the municipal authorities had no means of interfering. It was, therefore, necessary, for the sake of thousands and thousands of the industrious poor, that some compulsory power should be given by this Bill for the purpose of enforcing the performance of the landlord's duties in this matter.

MR. MILES rather thought that the Tower Hamlets had got a little interest in this Bill. It was quite delightful to hear the hon. Baronet dilate on the insufficient supply of water in his own borough. But the theory of this clause might be very admirable, whilst in practice it would assuredly create such a host of evils as the noble Lord had no conception of. It was all very well to talk of diffusing cleanliness throughout the whole of the community, but this was not the way do it. He trusted, therefore, that the noble Lord would, in accordance with the suggestion of the right hon. Baronet (Sir J. Graham) strike out the objectionable words.

VISCOUNT MORPETH suggested the postponement of the clause, as the questions involved in it were very difficult, with a view of seeing whether a provision could be introduced to limit the price at which the water should be supplied, or at all events to put the clause into such a shape as would suit the views of all.

Clause postponed.

SIR J. GRAHAM said, that the noble Lord's postponement of it was only in accordance with the conduct which he had all through pursued, and which had so materially conduced to the success of the Bill.

Clauses from 72 to 78, inclusive, were then struck out of the Bill.

On Clause 80, which provided for the prevention of interment in burial-grounds dangerous to the public health, being read,

MR. HENLEY wished to know what the

noble Lord intended to do with the dead. The clause provided that the dead were not to be brought into certain churchyards; but there was no provision in the Bill for having them brought elsewhere; and surely it would not promote the sanitary condition of the public to leave the dead above ground.

Mr. MACKINNON said, that his hon. Friend who had just sat down had shown great talent and discrimination in the amendments which he had suggested during the progress of this Bill; but his usual sound judgment appeared to have forsaken him on the present occasion. There was no clause in the Bill more called for by the condition of the country than that now under consideration; but at the same time there was no doubt but that Government should go much further in providing a remedy for the evils of intra-mural interments than was suggested by the present clause. It was clear that if burials were not allowed in full churchyards the parishioners would find cemeteries elsewhere. It should be recollected that at present it was only members of the Church of England who had a right to interment in the parochial burial grounds, and yet no one heard of Dissenters complaining of being unable to find places of burial for their dead. He trusted that his noble Friend would not modify this clause, as he could assure him that a strong feeling existed on the subject throughout the country, and that the clause was regarded by the clergy and the public generally as only a part of a much more extensive measure to be brought in hereafter.

Viscount MORPETH said, that this clause was only a portion of an arrangement intended originally to be introduced into the Bill, which would have enabled local boards to purchase sites for burial grounds; but it was felt that this subject would involve an amount and a complicity of legislation which would be most injurious, if not fatal, to the Bill, and which it would be desirable to avoid, considering the many other objects of utility found in it. This clause would only come into operation when there was danger to the public health, and in cases where he imagined an action would lie at common law. In such cases it was open to the parishes affected by this clause to purchase new burial grounds; but at the same time it was to be remembered that in all large towns where this clause was likely to apply, there were already public cemeteries in existence. Besides, the clause would only come into effect on a certificate from the general board of health; and the board would naturally inquire into all the circumstances of the case before issuing that certificate; and one branch of their inquiry would clearly be whether there was another available place of burial in the neighbourhood.

Mr. HENLEY inquired whether the noble Lord had any objection to introduce words limiting the power of restraining the use of these burial grounds to cases where the parishioners had a legal right to bury elsewhere? He admitted fully the propriety of putting an end to burials in certain places; but he thought that the restriction should be confined to localities where the public had a right by law to go to other burial grounds; and if the noble Lord did not assent to an arrangement to that effect, he should certainly feel it necessary to take the sense of the Committee on the matter.

The ATTORNEY GENERAL was aware of the difficulty which the hon. Member felt in passing this clause, without any provision being made for opening new burial grounds. Every one agreed in the necessity of putting a stop to interments in churchyards, when such interments were obviously dangerous to the public health; but, at the same time, there were no legal means by which the parishes could be compelled to provide new burial grounds. It then occurred to his noble Friend that the local boards might be authorised to provide cemeteries; but this difficulty arose—that they did not want new burial places within the district, which would be only increasing the nuisances, and the moment they went out of the parish legal difficulties arose, which it would require considerable trouble to get rid of. In fact, the subject was surrounded with so many difficulties, that unless they had a Cemetery Bill with almost as many clauses as the Bill now before the Committee, a full remedy could not be provided. The question then remained, whether they would not put a stop to interments in certain burial grounds where such interments were found to be dangerous to the health of the living?

Mr. MILES said, that he thought it better, where such nuisances existed, to leave them to be suppressed by indictment under the common law.

Mr. HENLEY said, that there were hundreds of places where no cemeteries existed, and where the parishioners might be prevented from burying their dead in other parishes.

Mr. WYLD said, that it had been ascertained that in the large manufacturing towns two-thirds of the mortality arose from the overcrowded state of the burial grounds. He thought that much credit was due to Mr. Walker for his exertions in procuring the suppression of the frightful nuisances of Spafields and Enon Chapel in the metropolis. The hon. Member was understood to express his regret that the Bill did not go farther in providing a remedy for such cases.

Clause, with Amendments, agreed to.

House resumed.

Committee to sit again.

POST OFFICE REVENUES.

Mr. MACGREGOR moved—

"That there be laid before this House, a Return of the services of the undermentioned persons, who receive the following sums from the Penny Post Office revenue, being deducted therefrom in its progress to the Exchequer, and stating the names of the Heirs of his Grace the Duke of Schomberg:—

His Grace the Duke of Marlborough	£4,000	
His Grace the Duke of Grafton	3,407	10
The Heirs of his Grace the Duke of Schomberg . . .	2,900	0
	£10,307	10

being the amount of the gross postages on 2,473,800 letters, and of net postages, deducting the expense, of 7,321,400 letters."

Lord J. RUSSELL scarcely thought the Treasury, or any other public department, could be called on to give an account of the services of the Duke of Marlborough, or of the Duke of Schomberg. There was a book called *Coxe's Life of the Duke of Marlborough*, and several histories of the reign of Queen Anne, in which the services of the Duke of Marlborough, for which he received a certain pension from the hereditary revenues of the Crown, were stated in detail. As to the services of the Duke of Schomberg, they were known to any one who had read the history of the period. The Duke of Schomberg, to whom the money was paid in the first instance, was well known; and if the hon. Member wished to know the names of his heirs, he (Lord J. Russell) believed they could be procured for him. These sums were paid out of the hereditary revenues of the Crown. When the House of Commons took these hereditary revenues, and gave the Crown a fixed sum in return, the House of course took upon itself all the burdens which fell upon the revenues as well. He did not see how they could well avoid those burdens, or rid themselves of the obligations then incurred. He hoped the House would not consent to the Motion.

Mr. MACGREGOR said, he regretted exceedingly that the noble Lord should have so far trifled with the taxation of the country, as to have opposed his proposition in such a way. He had brought on this question altogether as one which bore on the profuse expenditure of the public revenues. He did not want to know to what Duke of Marlborough the money had been paid at first, but for what services the pension was paid to the Duke now living. If a former Parliament had been so corrupt as to grant this pension in perpetuity, the present Parliament had a right to inquire for what the money had been granted. The pension was passed in 1723, and since that time 600,000*l.* had been paid to the family, which at simple interest was more than a million sterling. If the noble Lord treated the taxation of the country so lightly, Her Majesty's subjects would take a different view of it, and hold him to account for his conduct.

Motion withdrawn.

SUPPLY OF SEAMEN.

Captain HARRIS moved for a Select Committee to inquire into the Supply of Seamen from the commercial marine to Her Majesty's Fleet, and into the effect of the Registry and Navigation Acts on that supply. He had no intention of obstructing the discussion on the Navigation Laws; but this Committee would not necessarily sit more than a fortnight, it would afford important information, and would bring to a conclusion the labours of the Committee of last Session. He disclaimed all intention of delaying the progress of the Government Motion on the Navigation Laws; but he considered the Committee he moved for was essential, in order to complete the evidence taken before the Committee on the Navigation Laws last Session. The Committee need not sit longer than a fortnight.

Mr. LABOUCHERE said, that had the hon. and gallant Officer made his Motion at the commencement of the Session, there would have been something in the plea of continuing the evidence of the Committee of last Session. He should, therefore, oppose the Motion, as likely to lead to obstruction to the Government measure on the Navigation Laws.

MR. BROTHERTON moved that the House do now adjourn.

CAPTAIN HARRIS said, that was rather sharp practice. The hon. Member had sat quietly enough until a quarter to one, while the Ministerial measures were under discussion; but the moment a Motion came from the Opposition side of the House, although quite as important, the hon. Member moved the adjournment of the House. He should have moved for the returns earlier in the Session, but he expected the information would be elicited by the Committee of the House of Lords.

Motion negatived.

House adjourned at a quarter past One.

HOUSE OF LORDS,

Tuesday, May 23, 1848.

MINUTES.] *Took the Oaths.*—Several Lords.

PETITIONS PRESENTED. By the Marquess of Lansdowne, from London, Birmingham, Bristol, and a large Number of other Places, in favour of the Jews' Disabilities Bill.—By the Earl of Hardwicke, and Bishop of Winchester, from Aberdeen, Lymington, and Hull, and a few Others, against the Jews' Disabilities Bill.—From the Presbytery of Selkirk, for Improvement of the present System of Parochial Education (Scotland).—From the Commissioners of Supply of the County of Selkirk, against the Marriage (Scotland) Bill, and Registering Births, &c. (Scotland) Bill.—From the Synod of Merse and Teviotdale, against the Diplomatic Relations, Court of Rome, Bill.—From the Commissioners of Supply of the County of Selkirk, for the Immediate Completion of the Trigonometrical Survey of Scotland.—By Lord Beaumont, from a number of Members of the Odd Fellows Societies, for an Extension of the Provisions of the Benefit Societies Act to them.—From Ilkeston, in the County of Derby, for an Alteration of the Law of Settlement.—From the Parish of Bangor, in Ireland, for Facilitating the Attainment of Sites for Churches (Scotland).—From the Town Council of the Borough of Drogheda, for an Extension of the Elective and Municipal Franchise.—Frem the Protestant Clergy and Laity of Ireland, in favour of a National System of Education (Ireland).—From the Citizens of Dublin, for the Total Abolition of Capital Punishment.

MR. VERNON'S GIFT TO THE NATION.

LORD MONTEAGLE moved—

"That there be laid before this House Copies of Correspondence between the Trustees of the National Gallery and the Lords of the Treasury respecting the Gift made by Mr. Vernon to the Public of his Collection of modern Pictures and other Works of Art."

Though this Motion was not likely to be opposed, yet he trusted that their Lordships would permit him to say a few words on the subject. Mr. Vernon had made the nation a present of his collection of pictures, which was valued at 25,000*l*. This gentleman had been all his life a most active encourager of art. Although the people of this country might be indifferent on the subject of art, yet he thought that such a magnificent gift from an individual should not be allowed to pass without notice. In former times many gifts of this kind had been made, and no public notice of them had been taken. Sir George Beaumont and Mr. Holwell Carr had given to the nation a number of pictures far exceeding in value anything which the country had voted for the encouragement of art. Within a few years, out of the whole number of pictures in the National Gallery, 123 had been presented by individuals, and between 70 and 80 had been purchased by the country. In making this Motion, his only object was to call the attention of the House to this magnificent gift to the nation which had been made by an individual.

The MARQUESS of LANSDOWNE bore testimony to the value of the gift, and the great obligation which Mr. Vernon had conferred upon the country. This was a somewhat singular case, of a gentleman who made it the object of his life to consecrate his property, in the first place, to the promotion of the arts of this country; and, in the second place, having so done, surrendered the great bulk of his fortune, so employed, to the public, for the future benefit of the artists of this country. This must have been done in a most disinterested and patriotic spirit, and he, therefore, most cordially seconded the Motion of his noble Friend.

LORD COLBORNE, as a trustee of the National Gallery, whilst he bore testimony to the rare munificence of Mr. Vernon, wished to impress upon their Lordships the absolute necessity of doing something in order to complete the gallery. There was but little encouragement to donors, whilst no suitable building existed to receive their gifts. Other collections had been lost for want of fit places of reception, and although he was aware that there was an objection, arising from the difficulty of raising the money, he thought, in a matter so nearly concerning the public taste and the national character, this objection should not prevail.

THE SPANISH CORRESPONDENCE.

The MARQUESS of LONDONDERRY desired to put a question to the noble Marquess opposite (the Marquess of Lansdowne) respecting a letter which had appeared in the public papers, forming part of the correspondence between the British Minister at Madrid and the Spanish Government, and which he thought was of great importance. What he wished to know was, whether that letter was a genuine letter; if it was, whether it had been received at the time when the other correspondence was laid before Parliament; if so, why it had not been produced; and whether the noble Marquess would lay it on the table?

The MARQUESS of LANSDOWNE was understood to say that he did not know whether the letter was correct or not, but he would make inquiry.

The MARQUESS of LONDONDERRY said he would, on a subsequent day, move for the whole of the correspondence.

PARLIAMENTARY PROCEEDINGS ADJOURNMENT BILL.

LORD STANLEY said, that it was his intention to propose several Amendments in the Bill, for the purpose of obviating some of the objections which had been made to it. The noble Marquess had said, that some of the provisions of this Bill would interfere with the prerogatives of the Crown; he, therefore, proposed to move the alteration of certain words in one of the clauses, which would preserve the prerogative of the Crown intact. It had been urged as an objection against this Bill, that should the House of Commons, which had agreed to a certain measure, which measure had been postponed by their Lordships to another Session, have changed their minds on the subject, and be desirous of rejecting the measure, they would have no opportunity of doing so, should their Lordships pass the postponed Bill without Amendments. To obviate this objection, he proposed to introduce a clause, enacting that if a Bill postponed from a former Session should, in a subsequent Session, pass the House in which it might have been postponed, even although it might pass without Amendments, it should be returned to that House in which it had originated, and have the concurrence of that House signified, and should not receive the Royal Assent until such assent should be so signified. As this Bill at present stood, the power of postponement was limited to the ordering a stay of proceedings before the measure to be postponed should have been referred to a Committee. Now, as the alterations proposed in Committee were often most important, he proposed to give the House the power of postponing any Bill even after it should have been referred to a Committee. There were also some minor alterations which he proposed to introduce. It had been suggested that it might be possible so to construe the second clause as to authorise the postponement of a Bill from Session to Session. He proposed, therefore, to introduce a clause depriving the House of the power of postponing a Bill for more than one Session. He proposed to introduce these Amendments in Committee, and then to reprint the Bill, in order to give their Lordships an opportunity of considering them.

LORD CAMPBELL would not oppose the introduction of these Amendments; but, having introduced them, he trusted that the noble Lord would let the Bill stand over, to be considered another Session. He would recommend the noble Lord to move for the appointment of a Committee to consider the subject, and at the same time to take measures to secure the appointment of a similar Committee of the other House; and if the two Committees met and consulted together, he had no doubt but that they might devise some measure which would be of the utmost importance, and greatly facilitate the progress of public business through Parliament. The only important Amendment which the noble Lord had proposed, was one which would certainly render the measure much less objectionable, but which would, at the same time, render it entirely futile. The provision to which he referred was, that every Bill should be referred back to the House in which it originated, in order that that House might have an opportunity of rejecting it, or of passing it, by way of resolution, instead of carrying it through its several stages. Now, either House already possessed that power. All that this Bill proposed to do might be done by a resolution of the House of Commons without any legislation at all. Surely the noble Lord would not attempt to legislate when every object he had in view might be attained without legislation by resolution of the House of Commons, if the House of Commons should be so minded. All these stages of first and second readings, committee, and third reading, were matters of usage; and it was perfectly competent to the House of Commons to pass a standing order that any Bill sent down by the House of Lords might be passed by resolution without going through all these stages. His noble Friend (Lord Brougham) had gone too far when he had said that this Bill was altogether unnecessary; but certainly the provision which the noble Lord now was desirous of introducing was altogether unnecessary. This Bill, if it passed into a law, would create a serious difficulty as regarded the courts of law. In fact, the courts of law would be, by this Act, placed in the same position as the Supreme Court of the United States of America, which was higher than the Legislature, inasmuch as the Supreme Court inquired whether the laws passed through Congress were properly passed. Now, this Bill proposed that any of those Bills should be postponed which mainly imposed or repealed a tax. Now it would, therefore, be perfectly competent to courts of law, in the case of any law passed as a postponed Bill, to inquire whether it had been properly passed, to decide whether its object had been mainly to impose or to repeal a tax, and thus they would be erecting the courts of law into a tribunal overriding Parliament. It would, therefore, be necessary to introduce a clause enacting that when any Bill, postponed from one Session to another, shall have received the Royal Assent, it shall not be competent to any person to take any objection in any court of law, to the effect that such Bill has not properly passed, and is not the law of the land. He hoped the noble Lord would not press the Bill, because he was sure that if they sent it down to the other House of Parliament in its present state, it would not be considered very creditable to the wisdom of their Lordships.

LORD MONTEAGLE hoped that the noble Lord would persevere with the Bill—from which great public advantage might be anticipated—and that he would not consent to the appointment of Committees. The best way to bring about an understanding upon the subject between the two Houses was to lay a definite plan before them. He (Lord Monteagle) then deprecated the effect that would be produced by giving a power of suspending a Bill before one House had pronounced an opinion upon its principle on the second reading.

LORD STANLEY illustrated the probable working of his Bill by supposing, with the noble Lord (Lord Monteagle), that the Sanitary Bill would reach their Lordships at a time when it was morally impossible that justice could be done to it. Under his Bill that measure could be postponed, and taken up at the commencement of the next Session, and then sent to the House of Commons, thus avoiding all the delay which must take place under the arrangements as they now stood. The noble and learned Lord had asked him whether he proposed to move that the Bill should be printed with the Amendments for recommittal; but the Amendments which he wished to introduce were so entirely in conformity with the recommendations which had been made from both sides of the House on a former stage of the Bill, and they had been already so much discussed, that he thought it not necessary to recommit the Bill. He proposed, therefore, that the Bill should now go through Committee, and the Amendments be voted; but, of course, it would be competent to the House afterwards to recommit the Bill if that should be thought necessary. The simple question which his noble Friend raised would be as conveniently brought forward on the report as now.

After a few words from Lord MONTEAGLE,

LORD REDESDALE said, that the objection of the noble and learned Lord was certainly one of importance; and it was right that the House should be put in possession of all the information on the subject. In 1843, a Bill called the Schoolmasters Widows Fund Bill originated in that House, passed the House of Commons, and was returned to that House. Some amendments were made in the Bill, and it was sent back to the Commons, from which House it was sent up by mistake to the Lords with a batch of Bills, the assent of the House of Commons not having been obtained to the Lords' Amendments, and in that state it received the Royal Assent. What was done in that case? A Bill was introduced and passed for the purpose of making that Act law; and the Report of the Committee of the House of Commons on that occasion referred to two similar cases in which the same course had been pursued—one in the 33rd Henry VI., the other in 1829. These instances showed how careful Parliament was to avoid any infraction of the ancient usage of Parliament; and he looked with great apprehension at any attempt to interfere by legislation with that ancient usage and law of Parliament. The mode of passing Bills depended not upon their Standing Orders, but upon that ancient law; and even when they suspended the Standing Orders for the purpose of expediting a measure, they still always required the first, second, and third reading. The beauty of their present mode of proceeding was its uniformity; and one great objection to this measure was, that it would introduce new and complex regulations. The principle of the measure was that the same

Bill might be considered in more than one Session of Parliament; and he disapproved of that principle, because he thought it an unnecessary innovation upon established practice; but if the principle were to be adopted, he should much prefer a measure which simply declared that both Houses of Parliament might suspend any Bill from one Session to another. The Poor Law Amendment Act, and the other great measures which had become law, had been passed in a single Session under the present practice; and therefore he could not see any great necessity for this measure; and he was afraid that it would be found practically inconvenient.

After a few words from the Earl of DEVON,

Amendments agreed to. Bill passed through Committee, and reported.

House adjourned.

HOUSE OF COMMONS,

Tuesday, May 23, 1848.

MIEUTES.] PUBLIC BILLS.—1° Reproductive Loan Fund (Ireland).

Reported.—Collectors of Cess (Ireland).

PETITIONS PRESENTED. By Sir Charles Douglas, from Warwick, against the Diplomatic Relations, Court of Rome, Bill.—By Mr. George Hamilton, from Cashell, and several other Places, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Mr. Cocks, from several Lodges of the Independent Order of Odd Fellows, Manchester Unity, for an Extension of the Benefit Societies Act.—By Mr. Henry Baillie, from Inverness, in favour of the Law of Entail (Scotland) Bill.—By Mr. William Miles, from the Board of Guardians of the Bath Union, for Altering the Law respecting Mendicants.—By Mr. Lockhart, from Parish Schoolmasters in the Presbytery of Glasgow, for Ameliorating their Condition.—By Lord Ashley, from a Meeting assembled at the Western Institution, Leicester Square, for Alteration of the Poor Law.

SPANISH AFFAIRS.

MR. BANKES: Sir, I wish to put a question to the noble Lord the Secretary for Foreign Affairs. The noble Lord, in answer to a question I put yesterday, stated that there had passed since the correspondence already upon the table of the House, between the Minister of Spain and the Minister in England, some notes which I understood the noble Lord to say were of a private and confidential nature. Now, this morning, in two at least of the public newspapers, there appears a very long letter from the Duke de Sotomayor to Sir H. Bulwer; and I beg to know whether that is one of the notes of which the noble Lord spoke, and if it be, whether he would have any objection to produce that note, and also any other correspondence that may have passed?

VISCOUNT PALMERSTON: I stated yesterday that I was in daily expectation of having a messenger from Madrid, and that messenger arrived this morning. I find from the despatches that Sir Henry Bulwer, on the 17th, was about to leave Madrid, and had received his passports from the Spanish Government. I certainly think it my duty to lay further papers on the table of the House, and I hope to present them on Thursday next.

THE IONIAN ISLANDS.

MR. HUME wished to inquire of the Under Colonial Secretary, whether the restrictions of the liberty of the press, and the importation of books into the Ionian Islands, had been withdrawn; and whether the circulation of lists of individuals to be elected to the House of Representatives was still in use by the Governor?

MR. HAWES: There is a law still in force with regard to the exclusion of books, which gives the Governor, certainly, very considerable power. But, practically, it has no operation; because, in the year 1844, I think, Lord Seaton introduced a local ordinance, giving a general permission for the importation of books; and Lord Stanley fully concurred in that ordinance. With regard to the liberty of the press, that has been fully and fairly conceded to the Ionians, in consequence of the representations made by the Lord High Commissioner. With regard to the last subject to which my hon. Friend has referred, the lists, it is quite true that it was part and parcel of the constitution that was framed when we took possession of those islands; but that point, and several others connected with the original constitution, I know are under the consideration of the Lord High Commissioner, and I have reason to believe will shortly be brought under the consideration of the noble Lord at the head of the Colonial Office.

MR. VERNON'S GIFT.

MR. VERNON SMITH: Sir, there was a Committee named on the 11th of February, to consider the best mode of providing additional room for works of art given to the public, or purchased by means of Parliamentary grants. As one person named on that Committee, I have never been summoned, and I suppose the Committee have never been summoned. The House must be aware of the very magnificent gift made by Mr. Vernon of the principal part of his modern pictures; and I understand that Mr. Vernon has been requested to exhibit in his own house his own gift. Now, as this Committee has never sat, and as I have heard no other means have been provided for the accommodation of these pictures, I wish to ask, whether it be still intended to call that Committee together to provide additional room; or whether the Government have taken any steps to remove what I must call a national disgrace?

Sir R. H. INGLIS: May I be permitted, before my noble Friend answers that question, to put another immediately in connection with it. By his permission, I gave notice of my intention to move for copies of communications between this same gentleman, Richard Vernon, Esq., and the Government, relative to the magnificent donation of his collection of paintings. If my noble Friend will state to the House that it is the intention of Her Majesty's Government to pay any mark of honour to that Gentleman, or notice in any way such donation on his part, I will not say one word more now, as a time will come when I can more properly do so.

Lord JOHN RUSSELL: There have been various causes preventing me from calling this Committee together; but certainly it is my intention to call the Committee together at an early period. When Mr. Vernon first made this munificent gift to the public, I requested my noble Friend as the head of the Woods and Forests to find some place for the pictures. I believe some correspondence took place, which ended in Mr. Vernon offering his house to be used for the purpose.

Viscount MORPETH: In justice to Mr. Vernon's spirit of accommodation, as well as his munificence, I should say that when there appeared some difficulty in providing a room suitable, in point of light, for the commodious position of the pictures, the offer to give his own house proceeded from Mr. Vernon himself.

Sir R. PEEL: Perhaps I may be permitted, as a trustee of the National Gallery, and very much in communication with Mr. Vernon and his representative, to bear my testimony in the strongest manner, not only to the munificence of Mr. Vernon, but to his extreme delicacy throughout. Mr. Vernon had several pictures which he thought might possibly be considered as hardly worthy of being placed in the National Gallery, and he left it to the trustees of the National Gallery to make a selection. They thought that that selection on their part would be invidious, and they submitted it to his own opinion to say what pictures should be withheld. In order that there should be no difficulty whatever, he consented. He made his selection, and it was scarcely dissented from in a single particular. He had, however, excluded one or two pictures which we thought were fully entitled to be admitted to the Gallery, and in those cases we departed from his recommendation. Now, it must be remembered that this is a gift not for a future period, but it is the gift of a gentleman whose chief delight has been the cultivation of the arts, of which he has shown himself a great judge, and he has consented to part with his collection during the remainder of his life, and to place it absolutely at the disposal of the country. There has been every disposition shown to find a suitable place for the pictures; but it is not every building, however large, that has a suitable light for pictures. Several places were examined by the noble Lord; and the moment Mr. Vernon heard that we were selecting a place, he said, "I place my house, as well as the pictures, at the disposal of the country, and I beg that the public may have free admission to it."

RECALL OF SIR H. BULWER FROM MADRID.

Mr. ANSTEY: Sir, I wish to know from the noble Lord the Secretary for Foreign Affairs, whether the departure of Sir H. Bulwer from Madrid is rightly explained in some of the foreign journals that have been received this week, that that gentleman is removed from the post of Madrid to another and a better one in the same service—the post of Ambassador at Constantinople; or whether the departure of Sir H. Bulwer from Madrid is to be taken as indicative of an entire rupture of friendly relations between this country and Spain?

Viscount PALMERSTON: The departure of Sir H. Bulwer does not arise from his having been appointed to any other post, and it does not proceed from any rupture of the relations between the two countries.

ADJOURNMENT OF THE HOUSE—THE DERBY.

Lord GEORGE BENTINCK: Sir, I am sure that my Motion, that the House at its rising do adjourn to Thursday, will have the ready concurrence of the House. I need not say that to-morrow is the Derby day, and as that is recognised as a holiday in the metropolis, I have obtained the sanction of the noble Lord the First Minister of the Crown to my Motion.

Mr. HUME hoped the House would not agree to the Motion, as there was a very important Bill on the Paper for Wednesday—the Law of Entail (Scotland) Bill.

Lord JOHN RUSSELL: If I found that the Members for Scotland were anxious to discuss in the course of to-morrow the Law of Entail in Scotland, I should be quite ready to agree with my hon. Friend who has just sat down, that the House ought to meet for that purpose; but I find that several Scotch Members are of opinion that this very important subject would not receive due discussion to-morrow, and that the clerks would have to sit for some time at the table, waiting to make a House; and as it seems the practice to look upon to-morrow as a national *fête*, I have acquiesced in the Motion.

Mr. FOX MAULE was not aware, when he fixed the Law of Entail in Scotland Bill for to-morrow, that it was the Derby day; but even had he been aware of it, that would not have prevented him naming the Bill for that day. It was of great importance that the Bill should be proceeded with as early as possible; and he believed that if the House sat to-morrow, there would be a sufficient number of Members present to enter into the consideration of the Bill, notwithstanding the Derby. It was absolutely necessary that the Bill should go into the other House of Parliament sufficiently early to enable that House to give the subject full consideration. However, if the House should adjourn over to-morrow, he only hoped that his noble Friend would give to Scotland half a day at an early period to discuss this important subject.

Mr. BRIGHT thought it was desirable that they should sometimes have a holiday, and he had not the slightest objection to to-morrow being made one; but he thought it was below the dignity of that House to make the fact of certain races being held within a few miles of the metropolis a pretext for a holiday. If they were to have a holiday for the Derby, why not have one for the Oaks? An hon. Gentleman near him informed him that there were other races at which certain Members had more business than in that House. The noble Lord at the head of the Government had made one or two pathetic speeches against delay, and now he was going to throw away a day. It would not elevate them in the eyes of the country to forego a day's business for the sake of recreation. He was persuaded that a sufficient number of Members to form a House would remain in town, notwithstanding the races. He understood that the noble Lord opposite (Lord G. Bentinck) was not so great an authority on the turf as he was formerly, having given up racing to become a politician. He had no objection to a holiday on rational grounds, but not on the undignified and unsenatorial ground of a great horse-race.

The House divided on the question that the House on its rising adjourn till Thursday next:—Ayes 103; Noes 90: Majority 13.

List of the Ayes.

Archdall, Capt.
Arkwright, G.
Arundel and Surrey, Earl of
Bankes, G.
Barnard, E. G.
Beckett, W.
Benett, J.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Blackstone, W. S.
Boldero, H. G.
Bourke, R. S.
Bramston, T. W.
Buck, L. W.
Butler, P. S.
Callaghan, D.
Carew, W. H. P.
Christopher, R. A.
Christy, S.
Cochrane, A. D. R. W. B.
Cockburn, A. J. E.
Codrington, Sir W.
Cole, hon. H. A.
Conolly, Col.
Corbally, M. E.
Cubitt, W.
Dalrymple, Capt.
Deedes, W.
Denison, W. J.
Dick, Q.
Disraeli, B.
Drumlanrig, Visct.
Dundas, G.
Edwards, H.
Estcourt, J. B. B.
Euston, Earl of
Ferguson, Sir R. A.
Filmer, Sir. E.
Fuller, A. E.
Galway, Visct.
Goddard, A. L.
Grace, O. D. J.
Hallyburton, Lord J. F.
Halsey, T. P.
Hanmer, Sir J.
Harris, hon. Capt.
Heathcote, Sir W.
Henley, J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Houldsworth, T.
Howard, hon. E. G. G.
Howard, P. H.
Ingestre, Visct.
Jocelyn, Visct.
Jones, Sir W.
Knox, Col.
Lemon, Sir C.
Leslie, C. P.
Lindsay, hon. Col.
Mackinnon, W. A.
Macnamara, Maj.
Masterman, J.
Matheson, Col.
Meux, Sir H.
Mostyn, hon. E. M. L.
Neeld, J.
Newdegate, C. N.
Norreys, Lord
Nugent, Sir P.
O'Connell, M. J.
Ossulston, Lord
Palmerston, Visct.
Patten, J. W.
Peel, right hon. Sir R.
Prime, R.
Pusey, P.
Renton, J. C.
Russell, Lord J.
Rutherfurd, A.
Scott, hon. F.
Seymer, H. K.
Sibthorp, Col.
Smith, M. T.
Smyth, Sir H.
Stafford, A.
Stanley, E.
Stanton, W. H.
Strickland, Sir G.
Taylor, T. E.
Thesiger, Sir F.
Thompson, Ald.
Towneley, C.
Vane, Lord H.
Verner, Sir W.
Villiers, Visct.
Waddington, D.
Wall, C. B.
Walsh, Sir J. B.
Watkins, Col.
Wood, right hon. Sir C.
Wortley, rt. hon. J. S.

TELLERS.

Bentinck, Lord G.
Hudson, G.

List of the NOES.

Abdy, T. N.
Acland, Sir T. D.
Adair, H. E.
Adair, R. A. S.
Anderson, A.
Armstrong, R. B.
Baillie, H. J.
Baines, M. T.
Blewitt, R. J.
Bowles, Adm.
Bowring, Dr.
Bright, J.
Brockman, E. D.
Brown, W.
Bunbury, W. M.
Bunbury, E. H.
Campbell, hon. W. F.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Cobbold, J. C.
Cobden, R.
Courtenay, Lord
Craig, W. G.
D'Eyncourt, rt. hn. C.T.
Drummond, H.
Drummond, H. H.
Duncan, G.
Duncuft, J.
Elliot, hon. J. E.
Evans, Sir De L.
Evans, J.
Ewart, W.
Fergus, J.
Fordyce, A. D.
Fox, W. J.
Gibson, rt. hon. T. M.
Graham, rt. hon. Sir J.
Gwyn, H.
Hardcastle, J. A.
Hastie, A.
Headlam, T. E.
Henry, A.
Herbert, right hon. S.
Hood, Sir A.
Inglis, Sir R. H.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lincoln, Earl of
Loch, J.
Lushington, C.
Lygon, hon. Gen.
Maitland, T.
Mandeville, Visct.
Marshall, J. G.
Martin, J.
Maule, rt. hon. F.
Molesworth, Sir W.
Morgan, H. K. G.
Morris, D.
Mowatt, F.
Mulgrave, Earl of
Nugent, Sir P.
O'Brien, T.
Ogle, S. C. H.
Oswald, A.
Pearson, C.
Pechell, Capt.
Peto, S. M.
Pinney, W.
Plowden, W. H. C.
Raphael, A.
Rawdon, Col.
Smith, J. B.
Smollett, A.
Stansfield, W. R. C.
Talfourd, Serj.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Turner, E.
Walmsley, Sir J.
Wawn, J. T.
Willcox, B. M.
Williams, J.
Wood, W. P.

TELLERS.

Hume, J.
Crawford, W. S.

Motion agreed to.

COMMERCIAL POLICY.

LORD G. BENTINCK said: Sir, in moving for the returns of which I have given notice, I trust the House will pardon me if I ask for its attention for a short time. There is no one in this House who has more frequently arraigned the statements of others than I have done—there is no one who has inquired more into the correctness or incorrectness of official returns than I have done—and, I will venture to say, there is no man in this House who deems it of greater importance, for the purposes of just and wise legislation, that the House should not be deceived by incorrect statements or statistics, whether made by official or by private individuals. I have therefore, Sir, to make a Motion for returns that will clear up certain statements of my own, which have been doubted, as regards the effects of the recent legislation in respect to timber and to silk; and at this time, when the great question before the country is, what mode of taxation is that which bears most lightly on the people—when a great commercial experiment is being tried—it becomes of the utmost importance that we should be correctly informed as regards the working of our late alterations in the commercial tariff of the country. I am one of those who hold the opinion that direct taxation is not the mode by which the revenue can be raised at the least burden to the people. I am one of those who believe that the principle adopted by the United States of America, of raising revenue from customs duties, bears more lightly on the people than raising a revenue by direct taxation, or by the taxation of excise duties. On a former occasion, with reference to this subject, I made a statement in this House, to the effect that the removal of a large portion of the duties on timber had been accompanied, not only by distress among the Canadian timber-growers, but that a large portion of the remitted tax had gone into the pockets of the foreigner; and I argued from these results that the removal of taxes on articles of foreign produce was not a relief, to the full extent of the tax remitted, to the people of this country. On that occasion I showed that the short price of Baltic timber had risen 11*s.* per load since 1842, when the duty was reduced; and I alleged that, on the other hand, the price of Canadian timber—that timber being grown by our own colonists—was so reduced as to occasion the greatest distress to our colonial fellow-subjects. That statement of mine was then doubted. It was alleged that I "was grossly misinformed," and that, so far from "the alteration having had the effect of cruelly grinding down our colonies," or of producing any efforts which could justify the doleful tale with which it was said I was endeavouring to touch the sympathies of this House, "the Canadians had been receiving 7*s.* a load, short price, more for their timber than they received in 1842, before the alteration of the duty." The right hon. Gentleman who made that statement in answer to me was one who had held such high offices—successively the offices of Vice-President and President of the Board of Trade, and afterwards Secre-

When I show the House, therefore, that there are but 53,000 persons engaged in the silk trade in the United Kingdom—when I show that there has been such an immense quantity of silk goods imported in the last four months at duties such as 5*s.*, 6*s.*, 7*s.*, or 8*s.*, to the pound weight, being not more than 10*l.* to 15*l.* *ad valorem* if charged upon the invoice price—when I show that this importation of goods of foreign manufacture into the port of London alone is equivalent to the wages for the employment of 64,000 persons and upwards—do I not more than prove the case I stated before, that it is foreign competition, and not the competition of eight mills at Manchester, that has destroyed the living of the weavers of Spitalfields and Bethnal-green? And when an argument is attempted to be used against me, drawn from figures for which people go ten years back—striking out the year 1844, and averaging the importations of ten selected years, 1833 to 1843, and then comparing that average with the importations of the last two years—I answer such arguments, so got up, by showing the too well-known distress and misery now existing in Spitalfields and Bethnal-green, and by showing the amount of wages enough to have supported the weavers in comfort and happiness, had the trade not been surrendered by free trade to foreign manufacturers. But, Sir, when we are told that the average importation of raw silk of these ten years is so much, and that, although it is true that 200,000 lbs. of foreign silk goods have been imported into this country, there is to set against that import 630,000 lbs. weight of raw material additional which has been worked up, the House is led to believe that that is consumed at home. But I ask, also, for a return of that which has been exported; and if the right hon. Gentleman the Member for Oxford will take the trouble to look at the return, and deduct the exports from the imports, he will find the result very different to that which he perhaps expects. He will find that the consumption of raw, thrown, and waste silk at home, in the two years of 1846 and 1847, was less than in 1844 and 1845, by something like 200,000 lbs. The return will show that there was a decrease in the home consumption of silk in 1846 and 1847, as compared with the years 1844 and 1845, namely, of thrown silk, 246,000 lbs.; of raw silk, 99,000 lbs.; and of waste silk, 1,143,538 lbs. But when the right hon. Gentleman treats lightly the distress of the poor people of Spitalfields and Bethnal-green—when he tries to argue away those distresses with his figures—I think he cannot know the dreadful state of distress into which those poor weavers are plunged. I will, therefore, take the liberty of reading an extract of a letter addressed to the noble Lord at the head of the Government by the rector of Bethnal-green—a gentleman who, from his position, is better able than others to describe the wretched state of his unfortunate parishioners. The rector writes as follows:—

> "I am now in the seventh year of my residence in this parish, and, from my position, am cognisant of the poorest and most populous district of the parish. I have seen the weaving population, year after year, become worse, and more destitute of food and clothing; and I find that their wages have been continually reduced, and that, in addition to the reduction of wages, there has been a sad and great diminution in the quantity of work; so that, during the past winter, a far greater number than ever before known have been obliged to become inmates of the workhouse."

This is the statement of the incumbent, who has resided there for seven years, that is, since 1841. I think the right hon. Gentlemen who scoffed and jeered at me will scarcely be hardy enough now to scoff and jeer at those honest people, or endeavour to persuade them that they are in a state of happiness and prosperity. I find the rev. gentleman then goes on to say—

> "And if your Lordship knew to what an extremity they will submit before they will resort to the alternative of the workhouse, you will be better able to judge of the extent of destitution which prevails; for it is not till every piece of available furniture has been disposed of—it is not until they have no longer a bed to lie down on, or a chair to sit upon, that these poor people can be induced to break up their little homes, and consent to be classed as paupers; and yet, during the past winter, nearly the whole of the weaving population has been reduced to this extremity."

This is the result of your competition with foreigners—your comparatively free competition—which has brought into the port of London alone within the last four months half a million sterling worth of foreign silk manufactures, which would have given employment to 64,000 persons. But, Sir, it is some consolation that I can turn from this miserable picture to a somewhat better state of things. I am well aware that trade has improved a little of late, and that there has been a spurt among the operatives of Spitalfields and Bethnal-green. This has arisen, I believe, in great part in consequence of those disturbances on the Continent of Europe—in consequence of those organic and democratic changes which have impeded the circulation of capital, prostrated trade, and checked the manufacturing energies of foreign countries, but more especially of France. Those revolutionary changes abroad, however, if the people of this country do but continue to preserve peace and order at home, will, I trust, have the effect of bringing grist to their mill—will bring back capital to the silk manufacturers in England—will restore to them the trade of which they have been so unwisely and inhumanly deprived by free trade, and will enable them to rise to comfort and prosperity on the ruin of their rivals.

But when I say this, I am bound in truth and justice to say, that there are other causes which have had the effect of reviving the depression which has hung so heavily over our Spitalfields manufactures. The admission that other causes exist is not the mere statement of some wild protectionist. I find it in a weekly newspaper, a consistent advocate of free-trade opinions. In that paper I find "the healthy excitement" now springing up in Spitalfields attributed to other causes. It is gratifying to our feelings of loyalty to find it attributed to an order recently given by Her Majesty—an order which, according to a fiction, I must admit to have been given in pursuance of the advice of Her Minister—by the advice of the Lord Grand Chamberlain (I do not mean Her Majesty's hereditary Lord Chamberlain, Lord Willoughby D'Eresby), but Earl Spencer—given also in contravention of the advice of Her Majesty's Ministers, holding seats in the Cabinet. I find that this free-trade paper says—

> "We are much gratified in finding that the considerate act of the Queen with respect to dress at the approaching drawing-room, already promises to accomplish the purpose for which it is intended. A healthful excitement has been produced in Spitalfields. Stocks that hung heavily on hand have been disposed of; orders are following; and, in most sanguine hopes of a revival taking place, the gloom and despondency are dispelled which have hitherto prevailed."

The paper further goes on to say—

> "Added to the direct influence of Her Majesty in drawing-rooms is the example of a number of ladies of rank and influence who have engaged to patronise the industry and skill of their countrymen, and whose example will not fail to be felt, first upon their own immediate circle, and then, in a descending scale, on the various classes which never fail to copy their betters in taste and fashion."

So here we have the ruin and the remedy in prominent contrast. The ruin of beds and chairs taken away on the one hand, while on the other we contemplate the gracious act of Her Majesty, not undertaken (for so we are given to understand by the noble Lord at the head of the Government) by the advice of Her responsible Ministers of the Cabinet, but acting upon

> "Nature's impulse, all unchecked by art,
> And feelings fine that float about the heart."

By this act Her Majesty has done much to counteract the mischief inflicted by those free-trade measures which have brought into the port of London, within the last four months, 500,000*l.* worth of silk manufactures, the produce of the looms of France, Belgium, and Germany.

In making this Motion, I do not mean to narrow my views on this great question of protection to native industry, by merely applying for such returns as have reference exclusively to the silk trade. I find, bearding the cotton spinners in their own dominions, there have been imported altogether, free of duty, into the port of London, during the same four months, cotton goods to the value of 137,974*l.* sterling, which, at the same rate of wages—9*s.* a week (and I fear the operatives do not receive so much in Manchester)—would give employment to between 11,000 and 12,000 operatives engaged in that trade. This has been permitted at a period when, according to the statement of Captain Willis, there are 14,000 operatives out of employment, or employed at short time, in Manchester alone, of whom 6,000 are altogether out of employment.

We have been told, however, by the hon. and gallant Member for Bradford (Colonel Thompson), that all this foreign trade is very good for Bradford, and that if silks from France are imported into England, pantaloons from Bradford will be exported to pay for them; but I find that within the same period of four months the woollen importations free of duty from foreign countries to London amount in value to 98,831*l.*, and those charged with a duty of 10 per cent to 29,904*l.* Those sums taken together would pay the wages of 11,000 of our operatives engaged in the woollen manufacture at Bradford. The woollen importations from abroad cannot have benefited the trade of Bradford much, for I am informed that there are now 15,000 persons receiving relief in that town.

But, Sir, it is not only cotton and woollen of foreign manufacture, and boots and shoes and boot fronts that are imported, to the prejudice of our native industry;

but there are other branches of trade which suffer materially from the same cause. As a native of Nottinghamshire, let me draw the attention of the House to the state of the lace manufactures, the chief seat of which in England is the town of Nottingham. Within the last four months, there have been imported at the port of London alone lace manufactures to the value of 30,793*l.*, equal to 90,000*l.* worth in the course of a year—90,000*l.* divided in wages would have given employment to 7,000 of our own operatives. Hon. Members have probably seen a letter from Mr. Wright, a banker in Nottingham, containing the reports of different clergymen of that town on the present state of Nottingham. But to begin with the lacemakers. It appears in a letter of a lacemaker that—

> "The business of pawnbroking was pressed by unusual efforts to get advances. Sales of second-hand furniture were of every-day occurrence. It resulted that one-fourth of the manufacturing workpeople were bordering on destitution, many being without any means of subsistence whatsoever."

But this is almost exceeded by the description given by the clergyman. Mr. Brooks, vicar of St. Mary's, ascribes to the distress of the people the spirit of Chartism which prevails, and states, that he had heard men say, when warned of the probable evil consequences of sedition and rebellion—

> "A man can only die once, and I would die as soon in that way as by starvation."

Mr. Brooks said—

> "They would not go into the union workhouse, they would rather starve."

Mr. Brooks believed—

> "A large portion of the working classes were in a state of semi-starvation. Numbers who, when he came to the place in April, 1844, were in different circumstances, he now recognised going about dirty, in rags, and emaciated. One of my curates," he added, "who was in Ireland last year, and who was on one of the relief committees, declares that he saw no destitution in that country worse than what he saw in Nottingham."

He was surprised at the patience with which it was borne. Dr. Williams said—

> "God knows, distress is very general. The women, I believe, suffer the most, for they will give to their husbands and their children all they can. Hundreds, if not thousands, are barely existing."

Another clergyman, the Rev. Mr. Davies, the incumbent of Trinity Church, said—

> "I firmly believe that for the space of eighteen months not one half of the mechanics' families have had more than just enough to keep them from actual starvation."

The Rev. Mr. Howard, the incumbent of the district of St. John the Baptist, observed—

> "The distress existing among the lower classes is more general and more severe than it has ever been my painful lot to witness."

The Rev. Mr. Butler, of St. Nicholas, also bears testimony to the prevalence of the most appalling destitution. He tested it by the poor-rate returns, by which it seemed that in 1845-6 the rate was 4*s.* 2*d.* in the pound, and that the union had 1,387*l.* in the bank, and rates uncollected to the amount of 3,880*l.*; but that in April, 1846, the rate was made to the proportion of 5*s.* 10*d.* in the pound; that there was only a balance of 197*l.* in the bank, and that the uncollected rates were 7,400*l.* He observed that they always expected improvement from winter to summer, but he feared there was but partial work for the operatives. He added, however, that "the change was simultaneous with the changes in our commercial policy." The Rev. Mr. Milton, of Radford, remarked—

> "That in the streets he had to pass through, going to his parish church, five houses out of seven were empty, while in the west row of houses four in succession were without a tenant; that the poorer sort of persons had been turned into the union-house; and that those a little better off were unable to pay the rates, which amounted to 12*s.* 6*d.* in the pound."

I think, therefore, when it is used as an argument that Ireland is to be excluded from direct taxation because the rates amount to 2*s.* in the pound, that Nottingham has a right to put in its claim. Such, Sir, is a picture of the lace trade, which is competed with by the lace manufacturers of foreign countries.

I now come to another class of the people who feel most keenly this competition with the foreigner. I allude to the poor needlework women of this country. I regret that I do not see in his place my noble Friend the Member for Bath (Lord Ashley), who has taken so deep an interest in the affairs of those poor people. But, Sir, if the needlework women of this country are starving, it is not to be wondered at, when we reflect that within four months there has been imported into London needlework (nine-tenths of which consists of labour as distinguished from material) to the value of 30,000*l.* I am sure I am not under-estimating the earnings of the needlewomen of this country when I take the average at 5*s.* per week, and, according to this calculation, 30,000*l.* of needlework would give employment to six or seven thousand needlewomen. Such are the results which I am prepared to prove upon the production of these returns for which I have moved.

And here, Sir, I may be permitted to ask Her Majesty's Government why it is that in Mr. Porter's Trade and Navigation Returns, those entries amounting to 395,000*l.* in the first four months of the year, and being at the rate of 1,185,000*l.*, are omitted? You are willing enough to make returns of the weight of eels and of turtle imported from foreign countries; but when the manufactures of foreign looms, to the value of 1,185,000*l.* per annum are imported into the port of London, the returns concerning them are altogether suppressed. Let it not be said that the value cannot be ascertained. I found no difficulty in ascertaining the value.

Will the right hon. Gentleman the Chancellor of the Exchequer tell me that the value of the silks imported into this country cannot be ascertained? Here we have, exclusive of the importations of silk, an amount of manufactures competing with the manufactures of this country, which goes far to account for the distress which prevails; and yet no notice whatever is taken of it in the returns furnished by the Board of Trade. I have always imagined that the value of these returns lay in their being a guide to the deliberations of Parliament, and that they are intended to supply the House with facts which might be relied upon; but what do we find? Why, that these returns are furnished in such a lax and incomplete form, that the person referring to them becomes more ignorant of the true state of things than before he consulted them. They are doctored and medicated in such a way that the House of Commons cannot arrive at a just conclusion upon the matters to which they are supposed to relate. I have now spoken of various importations and manufactures; but I must add that, exclusively of watches, boots, shoes, baskets, boxes, and other articles not rated, amounting in value to 190,000*l.* a year, the articles of cotton, woollen, lace, and needlework imported annually into this country, if manufactured at home, would give employment to 100,000 persons.

But, Sir, to countervail the distress which prevails among the manufacturing classes, can we derive any consolation in the general prosperity of other portions of the community? I hold in my hand a statement of the number of bankruptcies which occurred in the first nineteen weeks of the present year, and I find that I must look back to the year 1826 for anything like a parallel to the distress which has prevailed in England in the present year. I find that in the first nineteen weeks of the present year there were 848 bankruptcies in England; and yet my right hon. Friend the Chancellor of the Exchequer, were he present, would probably tell us that bankruptcies are now getting quite out of fashion, these matters being arranged by friendly inspection.

I now come to Scotland.

> "Stands Scotland were it did?
> Alas! poor country, almost afraid to know itself."

There were in Scotland within the first nineteen weeks of the present year 292 sequestrations, or 170 more than in the year 1842, the year of such great distress in Paisley and Glasgow: in that year the number of Scotch sequestrations was 122. I have in my hand, too, statements which I have taken from the *Economist* of last Saturday, and it may, therefore, be presumed that there is good authority for them. It is there stated that the manufacturers of Paisley had given notice of their intention to turn 1,000 families out of their houses; and that 3,000 other families had also received notice of discharge. Of fifty-one mills in Paisley, eighteen have stopped altogether, and seven are only working short time, which shows that Scotland is very little better off than England. But it is not the manufacturers, the merchants, the planters, or the brokers, who alone suffer by this system of commerce; you cannot injure them without making their ruin be sensibly felt by their servants and the persons in their employment. I hold in my hand a statement showing the number of advertisements for servants' places inserted in the *Times* in the first twelve days of the present month; and I have compared it with a like return for the first twelve days of the same month in antecedent years. The statement embraces the entire class of persons dependent for employment on the gentleman, the merchant, the manufacturer, and others of the wealthier classes. It includes governesses, nurserymaids, ladies' maids, cooks, housekeepers, housemaids, butlers, footmen, coachmen, grooms, gardeners, and others. I find that in the first twelve days of May, 1845, the number of advertisements from the various descriptions of persons wanting places was 1,455—in the first twelve days of May, 1846, 1,828—in the first twelve days of May, 1847, 2,066—and in the first twelve days of May, 1848, 2,440. So let not the governesses, nurserymaids, ladies' maids, cooks, housekeepers, housemaids, butlers, footmen, coachmen, grooms, gardeners, and others, imagine that they do not share the fortunes of those above them, who are ruined by competition with foreigners.

Now, let me refer to the advertisements inserted by persons wanting servants. I have taken the same periods in this calculation, and I find that in 1845 the number was 99—in 1846, 143—in 1847, 117—and in 1848, only one-half of what they were in 1846, 73. I think this must convince the House that all classes of the community feel the distress and ruin occasioned by this competition. I do not mean to ascribe it all to free trade, for there are other measures as well—for example the Bank Charter Act—and there have been calamities which could not be foreseen; but I contend that I have shown good grounds for attributing much of the distress to the important changes which have taken place in the commercial policy of the country, and that I have established sufficient foundation for asking for these returns. Some of them may occasion trouble; but they will throw more light upon the subject than the Board of Trade has ever yet vouchsafed, either to the House or to the country. The noble Lord concluded by moving for the following returns:—

"Returns showing the quantities and prices, duty paid, of Canadian timber sold by public sale in London, on Friday, the 10th day of March, distinguishing red from yellow timber, and giving an abstract, showing the average price of each description of timber, together with the highest and lowest price in each case. Showing any reductions of duties on thrown silks and on Indian silks which may have been made in 1842; together with a return showing the importations of such silks in the years 1842, 1845, and 1846, respectively, on which such reductions may have been made. Likewise showing the quantities, in pounds, of raw and waste silk imported, exported, and consumed at home, in the years 1844 and 1845, as compared with the two years 1846 and 1847, giving the average annual quantity consumed at home in each period. Similar returns in regard to thrown silk; and showing the quantities and value of all articles of cotton, woollen, and silk, of needlework, and watches of foreign manufacture, boots and shoes, and boot fronts, and all other articles not enumerated in the trade and navigation returns, imported into the port of London in the four months ending the 5th day of May, 1848, as compared with the corresponding three months of 1845, 1846, and 1847. Continuation of so much of return No. 175, ordered the 6th day of February, 1846, to the first week in January, 1848, as relates to the prices and importation of foreign and colonial timber, and the nationality of the ships in which the same was imported, and the crews by which they were manned. Also, a continuation of return No. 109 down to the 5th day of April, 1848, with an additional account showing any increase or decrease in the numbers and cost of the Customs Department, and per centage cost of collection consequent upon a reduction of Customs duties in 1846."

Mr. GLADSTONE fully concurred with the noble Lord in thinking that he had sufficiently shown to the House that a very great degree of distress existed in the country, though it might perhaps be questioned whether any statement was requisite for that purpose; but he entirely differed from the noble Lord in thinking that the noble Lord had not raised the very slightest, the most insignificant, presumption to show that the distress which the noble Lord had described, and which they all, in common with the noble Lord, lamented, was in any degree to be referred to the legislation on which the noble Lord thought to fix it. He must say that he thought nothing could be more slender—he would not say than the noble Lord's proofs, but his attempts to prove a connexion between the two. To take an instance. The noble Lord had referred to the lace trade of Nottingham and its vicinity, and he had quoted the Rev. Mr. Brook, who had given a description of what he doubtless well knew, the distress of the people of his own neighbourhood. But the Rev. Mr. Brook also expressed it as his opinion, that this distress was to be attributed to the changes which had taken place in the law; and that opinion of Mr. Brook—who he felt no doubt had something else to do besides studying the commercial system of the country—was the foundation on which they were asked to find the verdict "guilty of folly" against the legislation of that House. [Mr. Stuart: No, no!] The hon. and learned Gentleman the Member for Newark said "No, no;" but there was not another word in the speech of the noble Lord to show the connexion between the distress of the lace-makers and the free-trade legislation. Now he would not follow the noble Lord into the details of his statements, except with regard to those two important cases in which the noble Lord had impugned the statement which he (Mr. Gladstone) had himself made. This, however, he must say, that if the noble Lord were correct in ascribing the distress of the country to legislation in favour of free trade, then undoubtedly was he rendering a great public service, in again and again calling the attention of the House to the subject, in order to induce the Legislature, if he could, to retrace its steps. But if, on the other hand, the noble Lord was altogether erroneous in supposing that the distress was thus to be accounted for, then he must tell the noble Lord, that, instead of conferring a great service on the country, he was inflicting a serious injury upon the public interest, and most of all was he inflicting an injury upon the interests of the labouring class, and of those who were connected with the industry of the country, if, when he drew these pictures of their distress, he taught them, with all the weight of his authority, to refer it to sources from which it did not proceed, and to seek remedies in changes of legislation which, first of all, it was impossible for the noble Lord to bring about, and which, if he could bring them about, would do nothing but aggravate the distress which existed. Now, in briefly addressing the House, he should deal with the cases of the timber trade and the silk trade, on which the noble Lord impugned what he had stated on a former occasion. With regard to the timber trade, lengthened as was the noble Lord's address, he could not distinctly gather from it what was the charge or assertion which he intended to make. Would the noble Lord commit himself to a definite proposition? Would he, instead of indulging in vain presumptions, or instead of stating facts which, although true in themselves, were drawn from narrow and inadequate sources, boldly commit himself to a proposition on the subject of the changes in the law with respect to timber? So far as he could understand the noble Lord, he had carefully avoided thus committing himself; but at the same time he supposed, from the commiserating terms in which he had spoken of the condition of the colonists, that the noble Lord meant to say, and to have it believed, that the colonial timber trade had fallen into a state of something like ruin in consequence of the legislation to which that House had been led by his right hon. Friend the Member for Tamworth and himself? Now, was that what the noble Lord meant? If so, his position was intelligible. The noble Lord had found fault with him for having said that he was grossly misinformed in the prices of timber which he had quoted. The noble Lord was perfectly correct, he believed, in the prices which the noble Lord had quoted; and he was also correct in those which he had brought forward. He had spoken of the year 1847, while the noble Lord had referred to the year 1848, and a material change had, he granted, taken place in the interval. He regretted, therefore, having said that the noble Lord was grossly misinformed. But the House must not judge of the effect of the changes which had taken place by the state of the case at a particular moment. The country having laboured under a fever of excitement, unexampled almost in the history of commerce, and attended with the most outrageous imprudence in many departments of enterprise, had afterwards undergone the most awful visitations of Providence, and fallen into a state of collapse; and the noble Lord doubtless derived a great advantage from seizing particular circumstances which had attended this collapse. He contended, however, that in order to judge of the effect of these changes, they must look at them in connexion with a series of years. Never in his life had he experienced greater astonishment than when the noble Lord found fault with him because, in comparing the state of the silk trade before the changes in the law, and after those changes, instead of contenting himself by referring to a single year, he had taken an average of ten years. He took from a Parliamentary return the average from 1834 to 1843, and the noble Lord called the results which he drew from that average "his theories." [Lord G. BENTINCK: No!] The noble Lord had really used that expression. Against his (Mr. Gladstone's) theories the noble Lord set his facts, which he selected from periods of great depression; and that was the evidence, the production of which he dignified with the name of a fair opposition to what he had branded with the name of "theories." But he (Mr. Gladstone) was convinced that the House would concur in the statement that the fair way of dealing with the matter was to take a series of years. Now, take the timber trade before and after the changes in the law. The noble Lord held, if his arguments meant anything, that the timber trade had fallen into a state of ruin in consequence of the changes which had been made in it. That view, he would test, first, by the average price; and, secondly, by the quantity imported. He would take the average price from the greatest market for colonial timber, namely, the Liverpool market. He would first take the three years before the change—the prices on the 1st of February, 1840, 1841, and 1842. In those three years the average prices were 2*s.* 0½*d.* In the last year duty to the amount of 2½*d.* was repealed; therefore, as compared with the former years, the average price was 1*s.* 10*d.* Now he would compare with that statement the average price of the six years following, including 1848. It was, in fact, 1*s.* 9*d.* as against 1*s.* 10*d.* Therefore, the entire reduction of price through which, according to the noble Lord, the timber trade of the colonies had fallen into a state of ruin, amounted to one penny per foot out of 1*s.* 10*d.* He was very glad that that declension of price had taken place. He believed there was no trade in the country in a more unhealthy or unsatisfactory condition before that change than the colonial timber trade. Under the influence of an enormous protection an inferior article from the colonies was pressing very hard on a superior from the Baltic. It was necessary that colonial monopoly should be checked, and the result of checking it had been a moderate diminution in the price of colonial timber. But had the trade been reduced to a state of ruin? If so, where were the proofs? Had the former importations been greatly diminished? With what face could the House be told that the colonies were in a state of ruin if it could be shown that there had been a large and tolerably steady increase in the importations of their produce? Now he had a circular issued by an eminent house in Liverpool—that of Messrs. Houghton—showing the importation of British American timber for six years before the change, and six years after it, for he must still offend the noble Lord by referring to an average of years. The tonnage of the ships employed in bringing timber from the British American colonies to the port of Liverpool, the great centre of the colonial timber trade, in the six years before the change in the law was 152,000 tons annually; in the six years after the change the average was 181,000. He asked the noble Lord what reply the noble Lord could make to that? Was the colonial timber trade ruined by the change in the law, or was it not? Was it injured by the change in the law, or was it not? If it were still worth the while of the colonial merchant to send an increased quantity of wood, although it might be at a diminished price, had he any right to complain? and on the other hand were not the British public greatly benefited? He would not follow the noble Lord at any great length in what he had said with respect to the foreigner; for he did not seem much disposed to dwell on that point. The noble Lord said, however, that there had been an increase of 11*s.* per load in the price of foreign wood; and complained that foreigners derived benefit at the expense of the British subject. He really would recommend the noble Lord to inquire how much of that 11*s.* was accounted for by the simple fact of the rise which had taken place in freights in consequence of the increased demand for shipping within the last six or seven years. It appeared from the evidence of the Committee on the navigation laws—on authority no less unsuspected and philosophical than that of Mr. George Frederick Young—that the increase in freights from the Baltic had been no less than 7*s.* 6*d.* per load. If that were true, the small premium of 3*s.* 6*d.* per load was all that the foreigner had managed to appropriate to himself out of a reduction of duty amounting to 40*s.* per load. That premium was surely little enough. If they wished to increase the supply, they must give the foreigner some premium, and they could not well give less. There had been before a tendency to beat him out of the market, through the disadvantages under which he was placed; and their object having been to increase the supplies, those supplies had been augmented to an enormous extent. In the year 1841, from 130,000 to 140,000 loads of foreign timber were brought into this country. In the year 1847 the quantity was from 420,000 to 440,000 loads; and, notwithstanding that enormous importation, nine-tenths of the advantages had been realised by the British public. Now, having said that, he had great difficulty in detecting anything like a broad or tangible statement with respect to the timber trade in the speech of the noble Lord; and having vainly endeavoured to draw from the noble Lord, since he sat down, the affirmation of any distinct proposition by which he might be put, as it were, on his trial, he should leave that subject. He thought he had shown that the noble Lord was not entitled to assume that the colonial timber trade was in a state of ruin in consequence of the change in the law; on the contrary, he was entitled to assume, from the increase which had taken place in the colonial timber trade, that the measure on that subject was just towards the colonies, while it had moreover secured to this country the advantage of a great increase in the supply of a superior article. He passed now to the silk trade; and here again he was at a loss to understand what the noble Lord had designed to impress on the House. On a former occasion the noble Lord had spoken of the distress which existed in Spitalfields in 1845, whereupon he had remarked that that was before the change in the laws relating to silk. The noble Lord found fault with that statement, and observed that the laws relating to silk were changed in 1842, by the alteration of 1*s.* per hundred in the duties on thrown silk, and a reduction of 2*s.* in the duties on Indian silk goods. Now did the noble Lord mean to find fault with the change made in 1842, or did he not? Was that one of the experiments of free trade on which he wished to bestow his censure? [Lord G. BENTINCK had only mentioned a matter of fact.] Yes, but the noble Lord had that night been very busy in drawing inferences from matters of fact which were far too slight and trivial for his purpose. He wanted to know, therefore, whether the noble Lord connected the distress in question with the changes made in the silk trade in 1842? The noble Lord had no right to avail himself of both sides of the argument. When he (Mr. Gladstone) told the noble Lord, in replying to him, that he ought not to speak of the distress of the silk trade in 1845, because the change had not then taken place, the noble Lord rejoined by saying, "Oh yes, but you reduced the duty on thrown silk in 1845, and at the same time you lowered the duty on Indian silk goods." That evening, however, in endeavouring to show that there had been a decay in the silk trade, he had taken the years 1846 and 1847 as the criterion. But what was the period when the prosperity of the silk trade reached its climax? Why, the period of the greatest prosperity was the years 1844 and 1845, which in his former speech the noble Lord had selected, in order to show what distress prevailed in Spitalfields—distress which the noble Lord said he was justified in referring to, because the law relating to the silk trade was changed in 1842. [Lord G. BENTINCK: The right hon. Gentleman misrepresents everything I have said.] He had not misrepresented the noble Lord's words, however he might have misunderstood his meaning. It was impossible. With regard to the case of the silk trade, he thought no person could make a fairer statement of the noble Lord's words than he had made. As regarded the distress in Spitalfields, it appeared to him a very great question how far that distress was to be ascribed to the competition of machinery in Manchester, or how far it was attributable to the competition of the rural silk trade in the neighbourhood of London; for example, in Essex and in Hertfordshire. That was a question which he was anxious to avoid, as it was open to great difference of opinion; as was, also, whether the distress in Spitalfields was greater at that moment than it had been formerly in the palmy days of protection. But, after all, that House had not to legislate for Spitalfields alone, but for the United Kingdom. He had, therefore, referred to the entire trade of the country, and he had shown what was the state of the silk trade by figures, which the noble Lord had not succeeded in impugning in the slightest degree. Taking the years 1846 and 1847, he had compared those years with the average of the ten years 1834—1843, because he found them prepared for him in a Parliamentary return; and if he had included 1844 and 1845, it would not have altered the general result. He would confess that the noble Lord had shown that there had been a smaller importation of raw silk in 1846 and 1847, than in 1844 and 1845. But did the noble Lord really think that he had achieved any great triumph by that? Did he really suppose that there were no reverses in human affairs except those arising from free trade and protection? Was not 1844 a year of great prosperity, and 1845 a year of similar prosperity maddened into fever? Did the noble Lord imagine that those years exhibited a fair sample of the state of the silk trade? Again, was not 1846 a year of almost unexampled calamities; and 1847 a year of langour and depression, constantly increasing from one end of the kingdom to the other? What did the noble Lord do? He took two years of unexampled prosperity and excitement, and then two of unparalleled langour and depression—admitted to have been such without any reference to free trade or protection—and between these years he drew a comparison. Undoubtedly if the object were a just comparison, the two years which had elapsed since the change must be compared with the average of a more extended period; and on that average he was prepared to stand, while he showed by statements, all the elements of which were at the command of the noble Lord just as much as they were at his own command, that in every point of view the silk trade was satisfactory, not as compared with years of extraordinary excitement, but with a fair average of years. The importation of raw silk from abroad, on an average of ten years, was 3,742,000 lbs., while the mean of 1846-47 was 426,500 lbs. —showing an increase of no less than 523,000 lbs., or something like one-seventh. It was perfectly true that at the same time the thrown silk imported from abroad increased from 265,000 lbs. to 371,000 lbs. There was a further addition made to the stock and material on which British labour had been employed; because, while they received a much larger quantity of raw silk to throw themselves, they also received a much larger quantity of raw silk to convert into goods. The average importation of silk goods in ten years was 219,000 lbs. per annum as compared with 408,000 lbs., the mean of 1846 and 1847. Was that increase to be regarded as an evil? What did the noble Lord wish the House to understand? They heard him speaking with a kind of instinctive horror of the arrival of commodities from abroad, as if army, navy, and ordnance ought to be put in action against them. Except the noble Lord intended to recommend such a course, he (Mr. Gladstone) could not understand on what ground he manifested such an universal antipathy to commercial intercourse with the whole world. But along with this there had been an increase in the introduction, within the last few years, of raw and skein silk for the employment of our manufacturing population to the extent of 600,000lbs. It might be supposed, as the noble Lord said with respect to another part of the subject, that this was a frightful calamity. There was, however, surely some consolation when they found that for every pound of manufactured silk imported, there had been an increase of three or four pounds in the raw material for the home manufactures. Then the noble Lord complained with respect to the exports. No doubt the noble Lord did not recollect accurately what he had said on a former occasion; but he had no doubt himself on the subject, as he happened to have before him the notes from which he had spoken on that occasion. It was quite true that there had been an increase in the export of raw and thrown silk during these two years, amounting to 100,000 lbs. weight, or perhaps he might say to 150,000 lbs. out of this 600,000 lbs. of raw silk, which had come into the country for the employment of British labour; he did not know whether the noble Lord meant to refer to this as a proof of the injurious working of the system. Did the noble Lord object to the British silk manufacturers obtaining an increased commercial intercourse in some foreign markets; or did he assume that they were beyond competition? He, therefore, could not understand how this part of the case could be adduced as an argument for the proposition of the noble Lord. On the contrary, he conceived it to be a powerful argument as to the successful working of our recent commercial legislation. They had had an increase in the quantity of the raw material; therefore any man who employed British labour in the silk manufactures must look to an increased consumption by the British people, or an increase of exports of that article; and this, therefore, must ensure an increase in the comforts of the people by this additional employment. Lastly, they might add, that from this source there had been an increase, although a small one, in the revenue, for the amount received in the years 1842 and 1843 averaged 227,000*l.*, while for 1846 and 1847 it amounted to 233,000*l.* It was, however, for the reasons he had already stated, not fair to take these two years; but to get a proper return they should take a longer series of years. He felt that it was not necessary for him further to trouble the House. He recollected, however, that there was one other feature in the speech of the noble Lord to which he could not help referring. When the noble Lord alluded to the importation of foreign goods into this country, he was accustomed to compute the number of individuals to whom the manufacture of such goods would give employment in this country. The noble Lord laid great stress and emphasis on this announcement, and would have a portion of the House believe that if foreign goods were not imported, some additional thousands of British persons would be employed in the manufacture of such articles. For instance, to adopt an illustration of the noble Lord, he said, if the half-million in value of foreign silk goods which had been imported into this country since the commencement of the year had not been received, upwards of 64,000 persons would have been employed, but he did not say for how long. [Lord George Bentinck: For a year.] He thought it was rather dangerous to adopt such an estimate. It was rather hard to say that half a million sterling would support with wages 64,000 persons for the year. He could not doubt for one moment but that he could expose the fallacy as to the advantage of all goods being produced at home; for what had been said with respect to silk goods would apply to all kinds goods. He would take, for instance, the wines of France; no one could doubt that they could be obtained from grapes produced in a multiplicity of hothouses. So again sugar, which we now obtain from the tropics, might be produced by means of stoves and furnaces; and how many millions of persons would be employed by resorting to such a course? The fallacy was so gross that it was hardly possible to deal with it in a serious manner. Why, they could not go along the river or the streets without the absurdity of such a notion being forcibly impressed on their minds. He did not know whether the noble Lord in the course of his commercial peregrinations ever passed up or down the river, for if he had he must have seen the number of steamers which were constantly conveying large number of the labouring classes at the lowest fares from the City to Lambeth. One of these steamers probably afforded employment to five or six persons, and it might convey 1,000 passengers in the course of an afternoon. The noble Lord would, according to his own statement, have good ground for considering how many watermen it would require to convey this number of passengers, and who might thus be employed. He might say that each such boat would give employment to a hundred watermen, and might add, this was the way in which they robbed Englishmen of the produce of their labour. He hoped the noble Lord, for the future, would be cautious as to adopting this mode of argument. He did not anticipate any great mischief would result from what had fallen from the noble Lord. He thought that there was a bit in the mouth of the noble Lord, if he might use such an expression without offence; and of course he only applied the expression to the noble Lord's opinions on commercial subjects. He did not think that the opinions of the noble Lord would make way; but if unhappily they should make way, and the Houses of Parliament should be induced to listen to the plans of the noble Lord, he feared the proceedings would not receive a check until they had brought disgrace and ruin on the country.

Mr. NEWDEGATE did not think that the right hon. Gentleman had made out any case in reply to the speech of the noble Lord; and certainly the statement of the right hon. Gentleman did not sustain his high reputation. His powers of connecting times and circumstances, causes and effects, if judged by his speech that night, were not of that lucid nature which might have been expected from the right hon. Gentleman's high attainments. He (Mr. Newdegate) complained that the right hon. Gentleman and the hon. Member for Westbury had inflicted great injury on the country by the statements they had made. The people were suffering quietly; but it was an insult to tell them that their trade was prosperous, when the truth was, that their trade was broken down by the combined effects of monetary pressure and foreign competition, and that they were starving. If there were any truth in circumstantial evidence, it would require a still more skilful special pleader than the right hon. Member for Oxford to prove an *alibi* in favour of the financial measure of 1844, and the commercial measures of 1846, when the distress which had for some time existed was charged against them. He, as well as his noble Friend, complained that the right hon. Gentleman the Member for Oxford, had taken a period of two years against the average of ten years, and had falsified the comparison, which was between the effects of the former protective and the present reduced duties, by omitting the two last years of the higher duty from the average of the ten years, which the right hon. Gentleman compared with the average of the last two years, at the commencement of which the duty on the importation of silk goods had been reduced one-half. He (Mr. Newdegate) would read that unfair statement to the House. The right hon. Gentleman, on the 11th of March, had been contradicting the statement made by the noble Member for King's Lynn, which was, that both the silk trade and the revenue had suffered from the reduction of the duty on silk goods, and went on to say—

> "We must look partly to the bearing of these measures on the revenue, partly to their bearing on trade, but most of all to their bearing on the employment of the people. How does the question stand with respect to the employment of the people? I will endeavour to take a criterion which

the noble Lord the Member for King's Lynn will not think unfair; I will take the years 1846 and 1847, which are the only two years of the reduced duty, and I will compare them with the average of the ten years from 1834 to 1843, which I find printed in a recent Parliamentary return. Let the House observe whether the figures given by this return do not make out the most complete case on every point for this very reduction of duty, in respect to the silk trade, which has always been chosen as the most vulnerable point of the system adopted of late years, by those who are devoted to the restrictive system in commerce. The importation of raw silk on an average of ten years, from 1834 to 1843, was 3,742,000 lb., and the average importation during the two years of the reduced duty, 1846-47, was 4,265,000 lb., being an increase of 523,000 lb. The average importation of thrown silk for the first period was 265,000 lb., and for the latter 371,000 lb., being an increase of 106,000 lb. The silk goods imported on the average of the first period amounted to 219,000 lb., and on the average of the latter period to 408,000 lb., being an increase of 189,000 lb. This last item certainly shows that we have imported more foreign silk goods in the latter period than in the former period on the average, by about 200,000 lb.; but, at the same time, we have imported 630,000 lb. additional raw material to work up in our country, adding so much thereby to the domestic labour of this country. Therefore, when the noble Lord speaks of a diminution of the looms in Spitalfields, that may as much be referrible to competition between Spitalfields and Manchester as between Spitalfields and France. I must not omit to state also, that the revenue from silk on the average of ten years, from 1834 to 1843, was 220,000*l.*, while in the very first year of reduction it was 233,000*l.*"

Now, he (Mr. Newdegate) wished to show the House how it had been misled by this statement. The quantity of raw silk imported in 1842 was 3,951,773 lbs.; in 1843, 3,476,313 lbs.; in 1844, 4,149,932 lbs.; and in 1845, 4,354,000 lbs. The average importations of the two years 1844 and 1845, under the high duty omitted by the right hon. Gentleman from his calculation, were 4,250,909 lbs., or only 4,000 lbs. below the average importations for the years 1846 and 1847, which the right hon. Gentleman selected as favourable illustrations of his own case; the average of which amounted to 4,256,909 lbs. But the right hon. Gentleman ought to have deducted from the importations the exports of raw silk from this country, and to have given the home consumption, to have made his statement a fair one; and if he had, he would have found that the raw silk retained for home consumption in 1847, was less than that retained in 1845 by 371,041 lbs. The noble Member for Lynn had called attention to the distress which existed in many of the manufacturing districts; and he (Mr. Newdegate) would ask the House to consider the distress which prevailed among the operatives in the part of the country in which he resided. The persons engaged in the silk and riband trades in that district, had been reduced to live upon charity. If they had been entirely dependent on the relief they obtained under the poor-law, they must have died of starvation. In Coventry alone 1,000*l.* was subscribed to save the people from starvation, in addition to a great increase in the poor-rates; and, within a period of seven weeks, 40,000 loaves were distributed among the destitute poor. In one parish in his district, 300*l.* were subscribed for the same purpose; and he might take this opportunity of stating, that a most liberal contribution had been made to that fund by the right hon. Baronet near him (Sir R. Peel). In his own district, the poor-rates had increased one-fourth within the last year; and if the pressure continued, he did not know how the people could live. He could confirm the statement of his noble Friend as to the prevalence of distress; and nothing could convince him that this was not occasioned by the experiments which had been made on our commercial and financial legislation. It might be very well for the right hon. Gentleman to tell his noble Friend that legislation had nothing to do with the distress; but he (Mr. Newdegate) could tell the House in all sober earnestness, that if they did not take steps to relieve the people, they might expect some violent convulsions. The hon. Members for Yorkshire and Montrose wished to offer them reform in Parliament by way of a palliative; but he (Mr. Newdegate) considered this merely as a tub to the whale—as an abortive device of the free-traders to distract attention from the evils their measures had created: after all, what were the measures they proposed, but subverting the institutions of the country? He would ask the House to consider whether it were right or safe to persevere obstinately till the free-traders seemed to obtain a satisfactory average of distress, by setting each interest in turn to cut its neighbour's throat, because it suffered itself, before they consented to pause in the downward course of legislation upon which they had entered? In order to show the House the extent to which the trade of his district had been affected by foreign importations, he might state that the importations of silk manufactures in 1844 were 316,053 lbs.; in 1845, 341,441 lbs.;

in 1846, 440,188 lbs; and in 1847, 446,296 lbs.—being an increase in 1846 over 1845 of 98,747 lbs., and in 1847 over 1845 of 104,855 lbs. The increased importation of ribands in 1847, the first year of the reduced duty, over 1846, the last year of the old duty, was 118,085 lbs., or 50 per cent, while the exportation had fallen off 14 per cent. He found also that between the 1st of March and the 29th of April last, the quantity of silk manufactures entered at the port of London alone was 152,834 lbs. Now, if the imports went on at the same rate during the year, the total importations for the year would be 917,004 lbs., equal to 470,708 lbs., or 105 per cent beyond the large importations of the last year. Was such a fact as this not more potent than the competition between Spitalfields and Manchester, of which the right hon. Member for Oxford talked? He would take this opportunity of expressing the grateful sense he entertained of Her Majesty's benevolence, in endeavouring to assist those who were labouring under the distress he had described, by the commands she had issued to the ladies of England in favour of English manufactures. He knew it might be said that it was absurd to talk of these importations as an invasion; but he would tell the House that it was such an invasion of the market as could not fail to plunge all those engaged in the silk trade in this country into the deepest distress. He found from official documents that the recent depreciation in the whole exports of this country had been 17 per cent; while in the silk trade the depreciation in 1847, as compared with 1841, was 34 per cent. He hoped these facts would lead the House to pause before they pursued that system of legislation which was so highly lauded by the right hon. Member for Oxford University (Mr. Gladstone), and that they would see that it was their duty, in legislating for the people of this country, to pay some regard to their circumstances.

Mr. GLADSTONE wished to state, in explanation, that since he had sat down he found he had overstated the amount of the imports of raw silk retained for home consumption in the years 1846 and 1847. He found that he had not deducted the quantity of raw and foreign silk exported. Still, however, the return showed a considerable increase in the quantity of raw silk retained for the employment of the silk manufacturers at home.

Sir G. CLERK hoped, as he had been alluded to, he might be allowed to say that he was most anxious that all the information which could possibly be afforded to satisfy the noble Lord would be supplied, for he was satisfied that all the returns made would prove the wisdom of the policy pursued by his right hon. Friend (Sir R. Peel) when he was at the head of the Government. He sympathised as to the distress of persons engaged in the silk manufacture in some parts of the country, as described by the noble Lord and the hon. Gentleman; but they must bear in mind that in Spitalfields and other places, where the silk trade was carried on, many instances of general distress had occurred long before there had been any relaxation in our commercial policy. The noble Lord had stated that a greater number of sequestrations had taken place in Scotland during the past year than at any former period, except in 1841; but in 1841 no change had been made in our commercial code. It must be remembered that previously both to 1841 and 1847 there had been a succession of bad harvests; to which might be added the partial failure of every description of grain in the year 1847. Nothing could be more obvious to his mind than that the dearness of provisions led to the diminished employment of persons engaged in manufactures; and it was equally obvious that the evils now made the subject of complaint were more to be attributed to the operation of famine, than to any effects resulting from our commercial code. In the year 1847 we had double difficulties to contend against; not only was the home market affected by the dearness of provisions, but the foreign markets were also greatly circumscribed by precisely the same causes: those causes extended over the whole of Europe, and in that manner were the evils of the high prices of food in this country grievously aggravated. During the whole of the period to which he was now referring, the manufacturers of this country were left without their usual demand from foreign countries; and if the noble Lord would only consult the newspapers of the day, he would find, though there might not have been any great special improvement, yet, at the present moment, that trade was brisk in almost every department, and more particularly was this true with regard to the silk trade. Of these truths the hon. Member for Warwick demanded some specific proof. Now, he would refer that hon. Member to an authority cited by the noble Lord near him—he meant the weekly reports of Mr. Willis; that gentleman stated, whereas some time ago some silk mills were working short time, and some were working long, that at present almost all the silk mills were working full time, and that that trade was never known to be more brisk than at the present moment. [Mr. NEWDEGATE: That is the effect of the notice issued from the Lord Chamberlain's Office.] For some time before the notice brought from the Lord Chamberlain's Office the noble Lord would find that the silk trade never had been brisker; and at the time it was issued there was only one factory working short time, and it was a small one, employing but twenty-two hands. The hon. Member for North Warwickshire had objected to the decennial period only before the year 1844 being taken, and he had required the returns of the years 1844 and 1845 to be added. But what was the fact? The average total imports of raw silk retained for home consumption in the ten years ending with 1843, was 7,400,000lbs.; the average for the years 1844 and 1845 was 8,080,000 lbs., which would give an average for the twelve years of 3,792,000 lbs. Now, the average of silk retained for home consumption in the years 1846 and 1847 was 3,888,000 lbs., being a larger average than that for the twelve preceding years. But further it should be observed, that in 1846 there were 4,400,000 lbs. of raw silk imported, whilst the quantity retained for home consumption in 1844 was 4,021,000 lbs., and in 1845 it was 4,058,000 lbs., giving an average of 4,040,000 lbs.; whilst in 1846 the quantity retained for home consumption was 4,090,000 lbs., being a greater quantity than had ever before been so retained. In 1847, he was willing to admit there was a great falling-off in the importation, the quantity having been 3,687,000 lbs.; but they gave an average for the two years 1846 and 1847 of 3,888,000 lbs. But there was nothing surprising in the fact of the falling-off in 1847, for although our imports of foreign produce were greater in that year than they had ever been before, they consisted chiefly of articles of prime necessity, such as corn and flour. Again, it was to be remembered that the year 1839 was one of our greatest importing years; yet in the last year the quantity of food brought into this country from abroad exceeded in value all the imports of the year 1839; at least there could be no doubt of this, that the importation of food in 1847 greatly exceeded the importation of food in 1839. In the course of the present discussion some reliance seemed to have been placed upon the increased entries of foreign goods at the Custom-house, especially silk goods; but it would be a great error to suppose that that fact afforded any proof that the consumption of foreign goods in this country was in any course of diminution; the increase of entries in the Custom-house was by no means a proof of non-consumption; it was a proof of that which every one knew to be a fact—at least every one who paid attention to these subjects—namely, that smuggling had been very materially checked. He would also mention the case of foreign watches. The import of foreign watches had greatly increased, but without that circumstance occasioning any important injury to the home trade. The duty upon foreign watches had been reduced from 25 to 10 per cent., and watches had been imported to the extent of 80,000*l.* or 90,000*l.* value; but still that fell short of the estimate formed by the watchmakers themselves: it did not produce that ruin to the watchmaking trade which some persons predicted—on the contrary, there was not the least complaint on the subject. Then, as to the importation of cotton goods, and woollen goods, and silk goods, though much stress seemed to have been laid upon that feature in our commercial system, yet it appeared to him to contain no argument whatever having a tendency to support the positions taken up by the hon. Member for Warwickshire and the noble Member for Lynn. The exclusion of foreign manufactures would never put an end to any causes that had a tendency to reduce the consumption of our own. Let the House only for a moment look at the state this country would be in if the principles of those who contended for exclusive dealing were to be fully carried out. If England proceeded in that spirit, and were met by a similar feeling on the part of foreign countries, what would become of the 60,000,000*l.* of declared value which this country every year exported? He (Sir G. Clerk) was unable to understand the argument the noble Lord would draw respecting the timber trade. The price of colonial timber was actually higher in June, 1847, than it was in 1842, though the duty had been reduced. Then, with regard to the effect of the disturbances in France, the noble Lord would find, that whereas there was an increase in our exports in January and February, 1848, as compared with January and February, 1847, there was such a lamentable falling-off in March, 1848, when there was a total want of confidence in markets, that it made the exports of the whole of the first three months of this year lower than those of the first three months of last year. So far from foreign disturbances benefiting us, they had deprived us of our market; and it ought to be the earnest wish and prayer of every man in this country who desired its welfare that peace and tranquillity might be restored throughout the whole of Europe. We were now blessed with low prices and abundance of food; and if we could have the foreign markets open to us, we should find, instead of want of employment at home, that the trade and manufactures of this country would attain a degree of prosperity unexampled hitherto.

Mr. LABOUCHERE said, that the noble Lord the Member for King's Lynn, in moving for some simple returns, had taken an opportunity of arraigning the entire commercial policy of the right hon. Baronet the Member for Tamworth; and had endeavoured to connect the commercial policy of that right hon. Baronet with the distress which had lately prevailed, the existence of which they must all admit and deplore. The defence of that policy and of those measures had been naturally undertaken by the Members of the Government of that time. He (Mr. Labouchere), as an independent Member of that House, had given his support to the measures of the right hon. Baronet, and nothing that had since happened had caused him to regret the course which he had then adopted; on the contrary, when he reflected upon the trying time which the country had since had to go through, he felt convinced that the alteration in the laws then effected, and especially the alteration in the corn laws, had had the most beneficial effects, both politically and socially, and that they had enabled this country to ride through her difficulties, and surmount them, as he hoped she finally would. Whilst this country had social suffering and commercial depression to contend against, which she was suffering only with the rest of the world, he still was sure they would surmount all those difficulties, and come out of them with increased energy. He could not, therefore, but sympathise with the right hon. Gentleman the Member for Oxford University and the right hon. Baronet the Member for Dover; and he was so satisfied with having heard their defence of the principles of which he had been an humble supporter, that he should not have thought it necessary on his own part to address the House on the present occasion, were it not that he could not accede to the Motion of the noble Lord without offering some few observations on what had fallen from him. He (Mr. Labouchere) agreed with the hon. Gentleman (Mr. Gladstone) that there was one opinion entertained by the noble Lord upon the subject, which made it impossible for others who might share some of his opinions to agree with him. The noble Lord seemed to think that the foreign goods imported imported into this country were of themselves an evil. He thought that all foreign goods imported displaced the goods of the country, and threw out of employment a certain number of Englishmen. He (Mr. Labouchere) could not think that that was true, unless it were true that foreign countries made a present of their goods to the people of this country; and until it were so, he should think that foreign goods must be paid for by the produce of the industry of the people of this country. Commerce was not a boon to one country only, but to all that were engaged in it. And so far was it from being necessary for one country to view with jealousy the progress of another, that all ought to feel that they had a common interest in the well-being of those countries with which they traded. With regard to the silk trade, he believed, taking it as a whole, upon a series of years, it might be stated with truth that both in the import and export trade it had increased. The increase in the two was perfectly consistent. He did not believe that the import at all interfered with the manufacture of silk. They could go on together very well. But it was quite true, as the right hon. Baronet (Sir G. Clerk) had observed, that nothing could be more fallacious than the notion that this country had been recently deluged with silk goods from France. He knew there was an impression abroad that the silk goods of France had been thrown into this country in large quantities; but the facts of the case really did not bear out the assertion. The returns of silk goods imported from Europe generally, in the three months ending 5th April, 1847, and the corresponding three months ending 5th April, 1848, showed that in the first three months of 1847 there were imported 144,856 pounds, whilst in the corresponding three months of 1848 there were imported only 141,425 pounds, showing an actual diminution of between three and four thousand pounds. That proved that it was not the fact that the manufactures in Spitalfields or Warwickshire were injured by the country being deluged with silk goods from the Continent. As he had before stated, he really was unwilling to go over again the grounds which had been so well argued by those who had preceded him. The noble Lord had referred to the returns that were laid periodically on the table of the House from the Board of Trade. He knew that the noble Lord looked with great suspicion on all returns emanating from the Board of Trade; and he was fully aware that anything which he might say would have but little effect in dispelling the opinion from the mind of the noble Lord that these returns were framed with a particular purpose. But with regard to these returns he could only say that, if they were open to the complaint which the noble Lord had urged against them, the abuse was of a very old standing—he believed ever since 1832. For some time after they were first made, the returns were compiled for the use of the Government; and yet even at that time they were arranged on precisely the same principle and in exactly the same manner as at present. That was the case ever since 1832. It was afterwards thought right to lay them before Parliament; and no change was made, or nothing added to them, except when something important happened to be introduced. It was thought proper not to make the returns too numerous in order to guard against having them confused; but if any hon. Member wanted for more information than they contained, he could find it in the annual finance accounts, where every article that paid more than 1,000*l.* duty into the Exchequer was set forth in detail. He believed that more than a hundred heads were comprised in that account; and it was only necessary for any hon. Member who had doubts on the subject to turn to these returns, and any delusion that the Board of Trade might practise could be discovered by comparing the returns of the Board of Trade with the finance returns annually laid on the table of the House. He had no wish to detain the House any longer, and the few additional remarks that he would venture to offer would refer to the returns for which the noble Lord had asked. He did not wish to seem to offer any opposition, or to raise any difficulties to any Motion made by the noble Lord. He was aware that the noble Lord thought that it was the object of the Board of Trade to give only garbled returns in all these cases, and he should not, therefore, offer any obstruction to the returns which the noble Lord sought for; but if it were otherwise, he thought that he could point out to the noble Lord that there were very considerable objections to some parts of his Motion. The noble Lord asked in the first place for the prices of various articles sold in the city of London; but the noble Lord must know that the Government had no means of obtaining precise information on such a subject. The Government could—just as the noble Lord himself could—go into the city, and obtain the best information that they could get, and on many occasions they had done so, and laid the most accurate information that they were able to obtain before the House; but to require that they should do so generally, would be most objectionable. In the present instance, he could only say that what the noble Lord required should be done, and that the Government would obtain the best information that they could on the subject; but at the same time he begged to say that it was impossible for any Government department to be answerable for the correctness of the information so obtained. The return required was an account of sales effected at different times, and the most trustworthy sources of information would be consulted; but farther than that he could not be answerable for the accuracy of the accounts. With this understanding, he certainly should offer no objection to the returns required by the noble Lord, and therefore it was not necessary for him to offer any further remarks or to enter into any details on the present occasion.

MR. MILNER GIBSON said, that it might perhaps not be quite becoming in him to comment on the course of proceeding which the House thought proper to sanction in the conduct of public business; but if he might venture to offer a remark on such a subject, he should say that he thought the course taken that night was rather a peculiar one. The first part of the evening was devoted to the question whether or not they were to throw away to-morrow, and having wasted a good portion of the night in deciding that the morrow should be given up, they had now wasted the greater portion of the remainder of the night in making speeches on unopposed returns. The practice was, he admitted, one that was quite open to hon. Members to pursue; but still, he would venture to say, that the practice was not exactly in accordance with the usual course pursued by the House. The effect of the operation had been to defer the Motion of his hon. Friend the Member for Montrose, or at least to postpone it for some time. He would not say for what time, as he was not going to act the oracle on the occasion, but the effect had been clearly to postpone that Motion for some time. He should say that if there were one question more than another on which it was desirable that the opinion of the House generally should go before the country, it was the Motion of his hon. Friend. He really thought, therefore, that they had to complain of the noble Lord the Member for King's Lynn, for having deprived them of two days, and that too in a Session of Parliament in which business was very pressing, and in which it had been pleaded that it was impossible to proceed with Bills that even had not met with much opposition. And yet at such a time the noble Lord had really deprived them of two days. He might be excused for saying a word about the resolution of the House not to do any business to-morrow, on account of the Derby. He thought that the fact of the House coming to a solemn vote, that because horse-races were to take place in the neighbourhood of London, Parliament was not to meet on that day, did not show any pressing state of public business; and he would add, that he did not think the resolution was very complimentary to the Members for Scotland, as the Bill on the Scottish law of entail, which stood in a good place for to morrow, would be put off probably for three weeks, and it might be that the Bill would be lost for the whole Session. With regard to the policy of free trade, which had been attacked by the noble Lord, it had been so ably vindicated by the right Gentleman the Member for the University of Oxford, and by the right hon. Gentleman the Member for Dover, as well as by his right hon. Friend the President of the Board of Trade, that it was unnecessary for him to detain the House by any further observations on the subject. He would only remark that if hon. Members opposite had any doubt as to the policy of Parliament on this matter, why did they not bring forward a distinct Motion? Why did they not bring forward a substantial resolution for reimposing those protective duties, and take the sense of the House upon it, and then have done with it? As to all that the noble Lord had said about the distress which prevailed among the manufacturing classes, he really feared that, considering that one part of the noble Lord's policy would be to re-enact the corn laws, the noble Lord would scarcely get credit for that desire which he expressed for the interests of the working classes, seeing that his object was again to tax their loaf. He really feared that under such circumstances the working people would call the tears which the noble Lord shed over their sufferings something like crocodiles' tears. As to what had been said about the Order in Council having the effect of putting the mills in Manchester in more active employment, he hardly thought that it could have been put forward seriously. In the first place, the silks referred to in that order were not made in Manchester, so that there was an end at once of the argument as far as Manchester was concerned. [Lord G. BENTINCK: Don't talk of Manchester in particular.] If the argument were correctly founded, why should not every increase in the importation of foreign silk be accompanied by a corresponding falling-off in the home manufacture? But he would not trespass on the House on a question that had been already so fully discussed. As the noble Lord had, however, moved for elaborate returns, and returns that would cause great expense to the country, and great trouble in furnishing them, he might be permitted to say that he very much doubted whether they would be found to be of any practical utility when obtained. He would remind the noble Lord that a distinguished Friend of his in another place had complained of economists making applications for long returns, and thus incurring great expense to the public, with a view to becoming popular with their constituents. The noble Lord would, he supposed, repudiate the title of economist; but, at all events, it was not an economist who moved for the returns now asked for. He did not think that the noble Lord, in his attempt to restore indirect taxation, and thus to add to the prices of the poor man's sugar, and of the poor man's tea, and of every article of consumption upon all classes in this country, could at all events lay claim to the title of being the poor man's friend. The noble Lord should recollect that having let the corn law slip through his fingers, he could not be regarded as the farmer's friend either, while he would expose them to pay protecting duties on other articles, unless he could also restore them the benefits of protection in corn. He did not think that the farmer would be disposed to regard the noble Lord as his Friend, if while the noble Lord could not re-enact the corn law, he added to the price which the farmer had to pay for his clothing, and for the different articles of colonial and foreign produce which he was obliged to consume. As there was no opposition to the returns which the noble Lord applied for, he would not occupy the time of the House by any further remarks.

Mr. HENLEY congratulated the House and the right hon. Gentleman upon the change which had recently taken place in his position; for he was now going back to his old style, and giving them a taste of that which he used to indulge in a few years ago. He was surprised to hear the hon. Gentleman talk so much about waste of time, remembering how often the hon. Gentleman and his Friends had discussed and forced upon the House the same subject Session after Session, and night after night—again, and again, and again. Now that they had got what they wanted, they wished to stifle the voice of hon. Gentlemen on his side of the House, and had the face to tell them that discussion was useless, and only a waste of public time, which ought to be more usefully occupied. In season and out of season, the right hon. Gentleman and his Friends brought on this topic; and why should not his noble Friend follow their example?—why should they not be at liberty to express their opinion freely upon a system of legislation which they believed most firmly had brought about the present distressed condition of a great portion of the working classes of this country? Hon. Gentlemen opposite had, in fact, no sympathy with the working classes, although they were eternally affecting the utmost sympathy for their sufferings. The right hon. Gentleman complained that the Motion of the hon. Gentleman the Member for Montrose had been postponed in consequence of this discussion. This was, to say the least of it, mere twaddle. Would any men of common sense say that the discussion of mere abstract and political theories, impossible, or unlikely to be carried, and, if carried, injurious in their effects, was of more consequence to the working classes than the consideration of questions which directly affected their position, which had to do with employment, with the amount of their wages, and, in fact, with their daily bread? But there was a design in all this. If those hon. Gentlemen could get the working classes, whilst in a mood likely to be excited, to take up those wild notions and run after those absurd fancies, it would be just what they desired, for then they would be diverted from the real causes of their depression. He, for one, would freely offer his opinion upon this subject, and would not allow hon. Gentlemen opposite to stop his mouth. The right hon. Gentleman attempted to excite the indignation of the Scotch Members about the Scotch Entail Bill, and the adjournment of the House over to-morrow; but the fact was that this Bill was a Government Bill, brought in by the Lord Advocate of Scotland, and Wednesday was not a Government day. The right hon. Gentleman had not attempted to speak to the question at all, neither did the right Gentleman the President of the Board of Trade. They relied upon the speeches of the right hon. Gentlemen the Members for Dover and for the University of Oxford. It reminded him of the story of the sailors—"What you say, Jack, I'll swear to." The right hon. Gentleman the President of the Board of Trade spoke of the moral effect of free-trade measures; but the question which they had now to consider was a commercial and not a moral question. Whilst the corn law existed, it was the common custom for hon. Gentlemen opposite, when the distress of the labouring classes was alluded to, to say, "Distress—of course there is distress; there are the corn laws." But now, there were no corn laws, and there was still distress. The right hon. Gentleman the Member for Dover had spoken of the prices of timber, and had attempted to ground an argument in favour of free trade by comparing the prices of timber in the years 1846 and 1847 with the year 1842. But this was by no means fair, for everybody knew, and none better than the right hon. Baronet, that the price of timber received an unnatural stimulus from the great consumption of it on railways, and the still greater consumption which was anticipated. It was not enough that the people should be employed, but they must earn a certain amount of wages before they could be said to be in a prosperous state; and that Gentlemen on the other side always left out of the account. They always assumed that because there was a large importation of the raw material, and a corresponding exportation of manufactured goods, therefore the country was in a state of prosperity. But the argument was not a sound one; it was like reckoning that the horses in a stage-coach must be well off because the coach went along the road fast and frequent. The coach might go fast and frequent enough, and yet the horses might all the time be going to the devil. That, however, was the fallacy which pervaded all the figures and all the arguments that were used on the other side. Unless the condition of the people were improved, it was no argument that the manufactures of the country were increasing; for that might well be, and yet the working people may be all the time in a state of great distress.

Lord G. BENTINCK: I crave the indulgence of the House while I make a few observations in reply to the remarks of the right hon. Gentleman the Member for the University of Oxford. I shall now explain my own meaning, and show that the right hon. Gentleman has grossly misrepresented my arguments. My charge against the right hon. Gentleman is this: that on a former occasion, while holding in his hand a return with the name of Sir Robert Peel on the back of it, which gave him the consumption of silk in this country for a considerable number of years, ending with the year 1844—the right hon. Gentleman, in order to found an argument upon it, had recourse to this device, which I think is calculated to mystify the House. With these figures before him, the right hon. Gentleman left out the last year of the return, because in that year there was the largest consumption of silk; and instead of taking the last ten years, from 1834 to 1844 inclusive, he condescended to take the ten years from 1833 to 1843 inclusive, choosing to stop at the year 1843, because in that year there was a very small home consumption of silk. That is the charge which I made before against the right hon. Gentleman—that is the charge which I gave him notice I would repeat; and I hope the House will allow him to explain it away if he is able to do so. But that is not the only charge I have to bring against the right hon. Gentleman. My charge against him is this, that in order to make it appear that there was a great increase in the years 1846 and 1847, compared with the more extended period before quoted, he condescended to take the entire importation of silk during that period, though he must have known that there was a large exportation of raw, thrown, and waste silk during that period, amounting to 858,706 lbs. That was not a frank and candid statement to make to the House, and is one of that description of statements which I complain are made by Gentlemen who fill situations at the Board of Trade; and are calculated to mystify and mislead the House of Commons, and ought not to be made to it. I have also to contradict the statement of the right hon. Gentleman, that in the former discussion he referred to the year 1847, when he was speaking of the prices of timber. I can contradict that statement, Sir, as I heard him with my own ears refer to 1848; and all the public reports of his speech bear me out. The whole of the argument turned upon 1848—I answered him then with regard to the prices of 1848; and now the right hon. Gentleman would have it believed that he was all along discussing the prices of 1847.

I shall not delay the House much longer; but I cannot help offering some comment upon the observations of my right hon. Friend the late Vice-President of the Board of Trade. I did not expect to hear these observations from my right hon. Friend. He says, I want to make sugar dear. Why, Sir, I thought it was the reverse of that—I thought it was perfectly well known that I wanted to make sugar cheap, and that it was my right hon. Friend who prevented me from doing so. I thought it was well known that, in the Committee upstairs, I wanted to take off 4*s*. a cwt. from the duty on colonial sugar—to reduce colonial sugar ½*d*. per lb.; and then the right hon. Gentleman, having prevented my success, has the effrontery to come down to the House and accuse me of wishing to make sugar dear. Again, the right hon. Gentleman accuses me of wasting the time of the House by a speech on a Motion for unopposed returns. Why, Sir, for some time it was doubtful whether my Motion for these returns was to be opposed or not. It was only since I made my speech that the right hon. the President of the Board of Trade came to me across the floor of the House, and objected to furnish me with part of the returns—the prices of timber—and it was not till I had satisfied him that the late First Minister of the Crown had granted me similar returns that he consented to give them. But the right hon. Gentleman (Mr. M. Gibson) rose in his place after the opposition was withdrawn, and then he it was who wasted the time of the House, not by discussing the question before it, but a question we had already decided early in the evening, whether it was right we should have a holiday on the Derby day. I am at a loss to understand why my right hon. Friend should have such an abhorrence of Epsom downs. Can it possibly be because he was once proposed by Sir Thomas Gooch to represent the county of Suffolk as "the most promising Protectionist colt in all the county;" and that he knows there is a choking hill at Epsom, the bane of all colts that are disposed to "run jadish?"

Then the right hon. Gentleman complains of the expense and trouble that will be entailed by these returns, and he says that they only relate to minor articles. Sir, the value of one of these articles—cotton—imported in the last four months, is 135,000*l*. That is not a small article—that is a very considerable article. Then the right hon. Gentleman charges me and my friends around me with looking upon the importation of foreign goods as an evil. We certainly do look upon it as an evil that highly-taxed Englishmen should see the produce of foreign manufacturers imported duty free into this country. We think it a great evil, for example, that British sugar thould pay a duty, varying from 60 to 127 per cent *ad valorem;* and that these articles of French and German manufacture come in free of duty; indeed the right hon. Gentleman knows that so high a duty is charged on certain low qualities of colonial sugar that owners have consented rather to sacrifice it altogether than pay the duty charged upon it. Then, what right has the right hon. Gentleman to say that we think the importation of all foreign goods an evil, because we claim that the produce of all foreign industry—be it manufacturing or be it agricultural—should pay a tax on its importation into this country equal to the taxes paid by the people of England? The right hon. Gentleman apprehends there may be a difficulty in furnishing the returns; but my friends in the City have no difficulty in furnishing me with them. I ask nothing which I am not ready to supply the Government with, if their own people are incapable of procuring it.

Motion agreed to.

PARLIAMENTARY REFORM.

MR. HUME, having been called upon by the Speaker to bring on the Motion of which he had given notice, for extending the elective franchise to householders, &c., said, he was very sorry that at that late hour (past eleven o'clock)— [MR. O'CONNOR: Go, on, go on.] He hoped his hon. Friend would allow him to speak and judge for himself. He knew the duty he had undertaken, and also knew that, in the time that was before him, he should not be able to state what, on so important a question, ought to be stated. He had been in his place the whole evening, and was most anxious to bring his Motion forward; but the previous discussion had disappointed him, and he now felt obliged to postpone his Motion to the first open day. The only open day which he found on the book was the 20th of June; on that day his Motion would stand first, when he trusted he should be able to bring it forward without meeting with any difficulty.

MR. F. O'CONNOR would move the adjournment of the House, for the purpose of having an opportunity to offer a few observations on the course adopted by the hon. Member for Montrose. He quite agreed with that hon. Member, that he ought to be allowed to speak for himself; and he hoped that in future he would only speak for himself, and not venture to speak for the people of this country. On a former occasion he came a great distance, and at much inconvenience, to support the hon. Member on a Motion which he was to have brought forward, but which the hon. Member thought it fit to postpone. He then told the hon. Member, that he had deceived him the first time, but that if he deceived him a second time it should be his (Mr. F. O'Connor's) own fault. There was no question of more importance than the question which the hon. Member was to have brought forward to-night. There had been many questions of importance brought on at as late an hour; and, had the debate been commenced, he would have remained until its close. The hon. Member for Montrose had invited the working classes to fraternise with the middle classes; and he had himself come to the conclusion, that for the sake of gaining the points which the hon. Member sought to establish, it would be advisable to abate a great portion of those principles which he had always earnestly advocated. Having adopted this course, and given this advice to the people, he did not think he had been well treated by the hon. Member for Montrose. If he had not been assured by that hon. Member that he would persevere in his Motion, he (Mr. F. O'Connor) would have proceeded with the measure which he had himself intended to bring forward. The working classes had been before deluded by the middle classes; and he would now ask them whether they believed that the people would any longer confide in them? He had told the hon. Member for Montrose, and he had told the party with whom that hon. Member acted, that if they hoped to obtain the confidence of the people, they must make a determined stand upon those principles which they had recently professed; but what was the fact? Why, they had completely juggled the people. It was now proposed by the hon. Member to postpone his Motion for a month; whereas the proper course for the hon. Member to have pursued would have been to have brought forward his Motion, even though the debate should have been adjourned. Had the hon. Member done this, the people would have believed that he was in earnest. He considered he had a right to complain of the contrary course taken by the hon. Member, seeing that it was by his advice that the people had tolerated this movement on the part of the middle classes. The people made a great sacrifice by having even for a moment abandoned their own great principle for the purpose of testing the feelings of the House upon a minor principle. He did not wonder that hon. Gentlemen on the Opposition benches conceived that they had achieved a great triumph, when, in the present state of the country, they saw the false position in which the working classes had been placed; or that they should look with derision upon the position into which the hon. Member had brought his own followers. He (Mr. F. O'Connor) would not be a consenting party to any such "mockery, delusion, and snare." He could no longer place confidence in men who, upon his soul and conscience, he believed only intended to use the people for their own purposes. He never had been a party to any delusion, either in the House or out of it. Had the hon. Member brought the Motion forward, and it had been proposed that he should withdraw it, he (Mr. F. O'Connor) would have opposed the proposition. He would again tell the hon. Member that the country would not be satisfied at his having at eleven o'clock postponed his Motion.

MR. COBDEN: My conviction is, that there can be but one opinion on the part of every sincere, honest, and intelligent man in the country, that the hon. Member for Montrose is entirely blameless for the delay which has taken place in the discussion of his Motion. I think that no reasonable man would suppose that any one having to conduct so important a question would bring it before the House at a quarter-past eleven o'clock. The object of my hon. Friend is, that this question may be fully discussed; and, if it had begun at five o'clock, I doubt whether one evening would have sufficed for a full discussion of it. The hon. Gentleman who has just spoken has undertaken to give advice, in no very courteous or complimentary terms, to my hon. Friend; but, if I were to venture to give my hon. Friend advice, it would be this—that in conducting this important question, he should not follow the advice, still less the example, of the hon. Member, who calls himself the leader of the working classes of this country, but who, after undertaking for nine years to lead them in the advocacy of what is called "the People's Charter"—[Mr. F. O'CONNOR: Fifteen years]—who, as the hon. Gentleman stated the other day at a meeting of his Convention, had after, as he now says, fifteen years of leadership and advocacy of the People's Charter, met with but one man in the House of Commons upon whom in his absence he could depend for the advocacy of his principles. ["Name!"] I cannot name the hon. Member; but I think that is sufficient to warn the hon. Member for Montrose to beware how he conforms himself to the tactics and advice coming from the hon. Member for Nottingham. I think, if anything could open the eyes of the working classes of the country to a just sense of the value of the hon. Member for Nottingham's services, it is the position in which he has been placed by every hon. Member, except one, in this House, after fifteen years of leadership. I have had long experience of that hon. Member, and perhaps he will not accuse me of being actuated by any feelings of hostility towards him—for certainly no hon. Member has lavished so many compliments upon me as he has done—but I say, that my experience of the conduct of the hon. Member out of this House, and of the spirit and manner in which he has tried to array the working classes against every man who could effectually assist them in carrying forward the objects in which the hon. Member himself professed to wish them success, convinces me that he has done more to retard the political progress of the working classes of England than any other public man that ever lived in this country. I speak from long experience of that hon. Member; and no man has more right than I have to speak of him upon that subject. For seven years I had the direct and relentless hostility of that hon. Member, upon what, I believe, was strictly a question affecting the interests of the working classes of this country—I mean the abolition of the tax upon their food. That hon. Gentleman did all he could to array the working classes against me, and against those who acted with me. I had more hostility to encounter from that hon. Member than from the Duke of Buckingham and all his party. And what is the result? I never fraternised with the hon. Gentleman or his myrmidons. No one can for a moment charge me with ever having done so. I always treated the hon. Member as the leader of a small, insignificant, and powerless party. I never identified him or his party with the working class of this country. I ever treated him, as I do now, not as the leader of the working classes, but as the leader of a small and organised faction. I have set the hon. Gentleman publicly at defiance, and all his followers; and I never failed to beat them by votes whenever I met them at public meetings in the open air in any county in England. In any advocacy I may enter upon for the working classes, as I never have, so I never will offer to fraternise with the hon. Member and his organised followers; and if he says, as he has said, that he is preparing his followers to go along with us, I say to him again, that with him and his Chartists, as an organised body, I never will fraternise. I have set them at defiance before, and I set them at defiance now. I would advise my hon. Friend the Member for Montrose not to be deluded by anything which may fall from the hon. Member as to the power he has over the working classes of this country. He was weak before, he is harmless now; and whatever he may threaten or promise will be equally powerless and uninfluential. Ferocious as was his attack upon my hon. Friend the Member for Montrose, there is no one who will not be as well disposed as ever to continue to my hon. Friend that confidence which he has always enjoyed from the great mass of the people of this country.

Lord J. RUSSELL: I suppose that the hon. Member for Nottingham proposed his Motion for adjournment merely for the purpose of making his observations upon the postponement of the Motion of the hon. Member for Montrose; and as the hon. Gentleman has effected that object, I presume he has no inducement to retard the business of the evening by pressing, and will withdraw, his proposition. I cannot myself see that there is anything objectionable or unusual in the hon. Member for Montrose, finding he had not been able to bring forward his Motion at a earlier hour, taking the course of postponing it. But with respect to the other questions that have been alluded to—making no comment upon the personal observations that have passed—the hon. Member for Nottingham saying that no confidence ought to be placed in the hon. Member for Montrose, and the hon. Member for the West Riding saying that no confidence ought to be placed in the hon. Member for Nottingham—avoiding remarks upon these questions of personal confidence—I must say my belief is that the middle and working classes of this county, speaking generally, wish for neither the one great reform nor the other—that they are anxious for neither the People's Charter, as proposed by the hon. Member for Nottingham, nor the great plan of reform, which comes somewhat near the People's Charter, as proposed by the hon. Member for Montrose. I do not think that they at present desire either the one or the other. My belief is that the middle and working classes desire that there should be a gradual progress in reform; that this House should give its attention to the questions that are before it; and that in securing the peace and quiet of the country rest their true interest and prosperity.

Motion for adjournment withdrawn.

POOR LAWS (IRELAND).

Mr. FRENCH rose to move according to notice for a Committee to inquire into the allegations of a petition from the county of Roscommon, as to the working of the Irish poor-law.

Sir GEORGE GREY suggested that the hon. Member should postpone his Motion to a future day.

Mr. FRENCH could not accede to the request of his right hon. Friend for the withdrawal of his Motion. He felt that by frequent discussion alone could the attention of Parliament be drawn to the impolicy and great injustice of the manner in which the interests of Ireland were treated; and he regretted to gather from the request that had been made that Her Majesty's Government were about to meet this Motion in the same way they had, unfortunately for themselves and for Ireland, met that of the hon. Member for Portarlington, by refusing any inquiry into the working of a system, not alone vicious in itself, but rendered more objectionable by the arbitrary and offensive manner in which the Commissioners had exercised the unconstitutional powers vested in them. He assured them that this course would not tend to allay the discontent and dissatisfaction now universally prevalent in Ireland, or reconcile the people to English legislation. He, however, trusted, when the House would take into consideration the manner in which this law had been forced upon Ireland, the total neglect of all the pledges given by Government on its introduction, the ruinous effects that had followed from it, and the universal odium in which it was held, they would not consider the demand that he was about to make for inquiry an unreasonable one. Owing to the discontent and representations of the English Members on the immigration of Irish labourers into England, a Commission was appointed to inquire into the state of the poor in Ireland. The inquiry was intrusted to the Archbishop of Dublin, an Englishman, conversant with the working of the poor-law in this country; the Chief Remembrancer, Mr. Blake, a gentleman of great ability, possessing the confidence of Her Majesty's Government; the late Member for Kildare, Mr. O'Ferrall, resident all his life in Ireland—well acquainted with the condition of the people, who filled some of the most important situations under Her Majesty's present advisers. Their report was conclusive against the introduction of the English poor-law into Ireland. This, however, did not suit the preconceived views of Her Majesty's Government; and Mr. Nicholls was ordered to make his six weeks' tour to Ireland. On his hasty conclusions and inaccurate calculations, a Bill was introduced and passed through the House, in defiance of the majority of the Irish representatives—in defiance of the warning of one who knew Ireland and her interests well—the late Mr. O'Connell—who told them that his deliberate judgment was, that their Bill would not succeed in mitigating the evils to be found in the existing state of the poor in Ireland, but its tendency would be to aggravate them much. Mr. Nicholls stated that the expense of the workhouses, if fully occupied, and the support of the poor, would not exceed 312,000*l.* a year. He says in the 64th page of his first report—

> "Our experience of workhouse administration in England would warrant the adoption of the sum of 208,000*l.* a year; but to be safe and to approximate to the truth, say 260,000*l.*"

The accuracy of this calculation may be tested by the fact, that in the last year a levy nearly to the amount of two millions sterling has been made for that purpose. This has been on property rated at thirteen millions, while in England there is but five millions levied on property rated at sixty-two millions. The noble Lord by whom the Bill was introduced estimated the number that would seek for relief under it at a hundred and twenty-one thousand. A hundred and forty odd thousand are now in the workhouses, and ten times that number are receiving outdoor relief. The noble Lord declared that this experimental operation of his could not have a successful result, without some collateral measures for easing the country of her superabundant population. He promised to assist immigration, and to afford means to employ the people. He said in his speech—

> "As to the nature of the public works to be engaged in, that is a point I will not discuss now. It appears still to me there are various means open for the application of the labour of the poorer classes, which might lead to the happiest result. I think with care and attention we may find materials for public works of such a nature, that while they serve the temporary purpose of employing the indigent, may be the means of opening new sources of industry, and for the profitable investment of capital in Ireland—opening improved communication between different districts, for instance, the improvement of bogs, are questions well worthy the application of labour and investment of capital."

Neither of these pledges have been redeemed; in place of which the Act, by the amendments of the late Parliament, has been rendered more oppressive and more destructive to the interests of Ireland. Its powers are now so arbitrary and so unconstitutional that a noble Lord, in another place, well declared that no Ministry that ever occupied the Treasury benches dared to propose such a measure for the people of England. Under it the property of the country has been confiscated without any effect on the destitution of the people, who are perishing daily by thousands. The mortality among the hundred and forty-six thousand confined in the workhouses is weekly equal to the mortality of this metropolis, with its two millions of inhabitants. Those objectionable powers were a concession to English impatience at Irish immigration—they are not alone unjust, but insufficient. The tide of immigration proceeding from Irish wretchedness and Irish misery will continue to flow. As water finds its level, the current of human beings urged onward by the pressure of their physical wants, must ever rush towards the point where their wants will find alleviation. In place of checking that current of Irish destitution towards England, you have, by the destruction of property in Ireland, taken from us the means of employment at home, and materially increased the evil of which you complain. He (Mr. French), however, did not wish to be considered opposed to the principle of a poor-law. On the contrary, he was prepared to show that if Her Majesty's Ministers were disposed to take a manly and statesman-like view of the case, in making the entire property of the country liable to the support of the poor, on the principle of an income-tax, they would have a fund not alone sufficient for that purpose, but available for the development of the resources of Ireland. Why should mortgagees, annuitants and fundholders be exempted? Why should the burden of supporting the poverty of Ireland be thrown on what was manifestly unequal to bear it—the land alone? According to the plan he proposed, twenty millions worth of property would be available for this rate, which would not, in any case, exceed a shilling in the pound. Economy of administration could be secured by rendering each union liable to a separated rate for any excess of expenditure of the sum appropriated to them out of the general fund by the central authority. The present system could not be continued—the loss of life was frightful; but little relief was given to destitution; and, from one end of the country to the other, the cry was universal that they could not, and would not, bear this state of things any longer. The object of the law appeared to be to regulate paupers and not to remove pauperism. It might be applicable to a country where poverty was an exception; it was inapplicable to a country where poverty was the general rule. It was not essential that this law, in both countries, should be the same; the poor-law was one of a domestic character—it formed no part of a comprehensive scheme of imperial policy—it professed to be for the benefit of Ireland. The people of that country were universally opposed to it—neither the bayonets nor the wealth of England could secure its continuance. The province of Connaught contained 4,392,000 acres; its rated value was 1,465,642*l.*; its population, 1,418,857; it was divided into 155,000 tenements, 100,000 of which were under five acres in extent: 90 per cent of the population lived in cabins of but one room: the rents were unpaid, the county rates could not be collected—there was a debt of between 1,000,000*l.*, and 2,000,000*l.* owing to Government for temporary advances. In several districts the land was untilled, and people who formerly possessed 100*l.* to 200*l.* a year seeking relief. Did Her Majesty's Government think that the poor-law could be upheld in this district? It would require double the value of the land to relieve the wretchedness of its population. The petition from the county of Roscommon was adopted at a public meeting: it was signed by all parties, from the Peer to the peasant, and it represented every shade of political opinion. If a Committee were granted, he would undertake to substantiate every allegation contained in it. The Government might possibly raise the objection that this Motion was but a repetition of one which had been previously made, and which had been resisted on the ground that the Government officers connected with the administration of the poor-law in Ireland would be taken away from their duties to give evidence before the Committee. He pledged himself he would not bring over a single officer of the board—their opinions might be communicated to Government in blue books. Before he sat down, he would warn his noble and right hon. Friends below him that the people would not tamely submit to the destruction of life and confiscation of property that was going on. Strafford, by his attempts to confiscate the property of the west, by his inquiries into defective titles, brought about the bloody outbreak of 1641. Human nature is the same—similar causes will bring about similar effects. The hon. Member concluded by moving the appointment of a Select Committee to inquire into and report on the allegations contained in the petition of the county of Roscommon, as to the working of the Irish poor-law.

Mr. GRACE seconded the Motion.

Sir GEORGE GREY was sorry that his hon. Friend had not listened to the appeal which had been made to him to postpone his Motion, and bring it forward on a future day, because it was impossible at that late hour of the night (nearly twelve o'clock) to bestow upon the question that consideration which it deserved. He confessed he had not thought it probable, looking at the place which his hon. Friend's Motion occupied on the Paper, that it could have been brought on at all that evening, but he was prepared to state in a few words the reasons why he could not advise the House to agree to the appointment of a Committee. It had been suggested that this was a renewal of the Motion of the hon. and gallant Member for Portarlington (Colonel Dunne), which was brought forward at an earlier period of the Session, and which was then fully discussed. He could not say, however, that he thought the present Motion was merely a repetition of the Motion of the hon. Member for Portarlington. He considered that the working of the Irish poor-law would be a very fit subject for inquiry when the witnesses could be brought over from Ireland to this country without interfering with the operation of those measures which had been undertaken to relieve the distress which prevailed in the sister country. This Motion, however, was for a Committee to inquire into the allegations of a petition presented by the proprietors and occupiers of land in the county of Roscommon. There were very few allegations in the petition which would admit of inquiry by a Select Committee of that House. With respect to the area of electoral districts, a Commission had been already appointed, which was prosecuting its inquiries in the north of Ireland, and was about to extend its labours to the south and west. The most ample materials would be afforded for legislative enactment when that Commission reported; and would the hon. Member propose to nominate a Select Committee now to take the subject out of the hands of the Commission? The petitioners next adverted to the appointment of paid guardians, who had been nominated in a greater number of cases than he could have wished; but in no cases had they been appointed where the necessity did not fairly arise, or where the Commissioners were not bound to exercise the powers intrusted to them on that behalf. He hoped the paid guardians would be everywhere replaced by elected guardians before long, for he admitted that, as a matter of principle, the administration of the poor-law ought to be in the hands of those who were locally interested. The question of rating was a large one, into which he would not follow the hon. Member. The subject had been discussed at various times in that House; and it was not one on which it was necessary that a Select Committee should be appointed. Important amendments might probably be made in the working of the Irish poor-law; but he hoped the hon. Member would not persist in his Motion, and that the House would negative it if the hon. Member pressed the Motion to a division. The amount paid in poor-rates by the county of Roscommon was not so great as to justify the complaint of the petitioners; and he believed there were twenty or thirty unions in Ireland, Roscommon being one, in which the expenditure from the funds of the British Relief Association for the week ending the 5th of May last was 9,764*l.* The poor-law had been the means of relieving a mass of destitution in Ireland, and of saving the lives of many of the poor. He trusted, therefore, that the House would not listen to complaints of the heavy burden of the poor-rates from parties who were paying 1*s.* 6*d.* in the pound, or deprive the Irish poor of the benefit which they were now enjoying from the operation of the poor-law in that country.

Colonel CONOLLY objected exceedingly to the administration of the poor-law in Ireland, which was both capricious and arbitrary. He did not attribute the fault to the Government, but to the persons who were under their authority. Still he did not go the length of desiring the subversion of the whole system, in the propriety of which he could not at all agree. He was not prepared at that moment to point out any very patent defect in the law; but that which was the evil of it arose out of the administration of the law by the Board of Commissioners in Dublin, in placing paid guardians in charge of it. By such a course they lost the confidence of the country; and in proportion to any increase in the numbers of those paid guardians would be the increase in the evils of the system.

Sir W. SOMERVILLE said, that the hon. and gallant Colonel the Member for Donegal (Colonel Conolly) seemed to think that it was the object of the Poor Law Commissioners to dissolve as many boards of guardians as possible; whereas, of all the duties devolved by law upon the Commission, that of taking the step in question was the most unpleasant and the most painful. The fact appeared, however, to be that the hon. and gallant Member was too apt to judge, from the state of matters in his own neighbourhood, of that existing generally over Ireland. He believed, indeed, that the hon. and gallant Colonel, in his remarks, had the Ballyshannon union in his eye. The fact was, that the Commissioners had interfered with the union in question, and had by doing so interfered with the system of economy urged by the hon. and gallant Gentleman, who wished to procure the services of a schoolmaster for six, and those of a porter for four pounds a year. In some of the unions, the guardians had refused to appoint relieving officers, although the law was quite clear and distinct on the subject. He hoped the Irish Members would not think the law was carried out in any harsh manner, and that the hon. Member would not insist on a division. From what he heard from the hon. Member, he thought he should not bring the Motion forward that night. [Mr. French: I scarcely could have thought that possible.] He could assure the hon. Gentleman it was the wish of the Government to carry out the law in the best manner possible, and with every regard to the feelings and wishes of the board of guardians.

Colonel DUNNE objected to considering a subject of such great importance to Ireland at that late hour of the evening. It was impossible to give it due justice at such a period; and, for himself, he believed that half the Irish Members had neither read nor seen the Roscommon petition. This he could say, that an inquiry into the administration and effects of the poor-law was absolutely necessary for the tranquillity of Ireland. He was quite misrepresented when it was stated that he opposed the law. He could not agree with the right hon. Gentleman (Sir W. Somerville) that the dismissal of the board of guardians was just or necessary, or that they had been dismissed for any fault of their own, or for any corrupt practices. The fact was, that the constitution of these boards rendered it impossible for them to carry out the law. Let them look to the way in which the paid guardians had failed in executing those duties which devolved on them. In Castlebar and Mohill the paid guardians had been unable to carry out the law; and in the former union the effects at the workhouse had been sold at the suit of the creditors.

Mr. F. FRENCH replied: He thought the right hon. Baronet (Sir W. Somerville) must have been quite mistaken if he thought he (Mr. French) had given him any promise not to bring the Motion forward. He considered that the way in which the poor-rate had been levied was most harsh. The potatoes bought for seed by the poor man, on the return of which he depended for the food of his family, had in many instances been seized and sold to defray the rates. He was aware of many such cases, and of one where the whole stock of the farm, consisting of but one animal, which was employed in the tillage of the land, had been seized and sold for the same purpose. Considering the severe method in which the poor-rate was collected, he was of opinion that a very considerable sum of money had been levied since the return which had been furnished to the House. He had no wish to divide the House, as he saw no prospect of a successful issue; so he would therefore place himself in the hands of the House.

Motion withdrawn.

STATE TRIALS (IRELAND).

Mr. KEOGH moved for the following returns:—

> "Returns of the names and description of the forty-eight special jurors, drawn by ballot, to serve on the trial of the cause the Queen against William Smith O'Brien, esquire, M.P., in the Queen's Bench in Ireland; and of the twenty-four who were afterwards, on the reduction of the list, struck off the number, distinguishing those struck off by the Crown and by the traverser; and also specifying which of the forty-eight were members of the Roman Catholic religion. And a like return in the case of the Queen against Thomas Meagher."

The hon. Member said that, notwithstanding the lateness of the hour, he had been recommended to bring forward this Motion, as it was not probable that any more favourable opportunity would offer itself; and he was very anxious to bring under the notice of the House the wholesale exclusion of Roman Catholics from the jury panel selected for the trials—a practice which was highly insulting to the Roman Catholics of that country. Now, he begged to state that he neither felt nor expressed any sympathy with the opinions of those gentlemen who had been put upon their trial. So far as their exertions were directed to obtain a repeal of the Union, he had always expressed his decided opposition to their object; but he could conceive no stronger argument for those who advocated that repeal than the practice of which he now complained—that of striking off from the special jury panel the names of many of the most respectable Roman Catholics in Ireland. He would now state briefly the circumstances under which this arose. In the cases of both gentlemen a special jury had been moved for by the Attorney General, and it happened that this year there were on the special jury panel 680 names; of those names forty-eight jurors were chosen by ballot, and then a time was fixed for striking off twenty-four of the forty-eight, twelve being struck off by the Crown, and twelve by the traverser. In Mr. Meagher's case, out of the forty-eight there were twelve Roman Catholics on the panel; and he might refer to the two hon. Members for Dublin, to confirm him in saying that number included some of the most respectable traders and influential merchants in Dublin; that there were amongst them five or six respectable Roman Catholics, who were not connected in any manner with political agitation in Ireland; and more particularly he should state, that amongst those twelve Roman Catholics there was not a single person directly or indirectly connected with the Repeal Confederation; but of those twelve the Crown officer struck off eleven, leaving as the only representative of Roman Catholic opinions upon the jury one gentleman, who was stated publicly in the office by both parties to be dead. He would not trouble the House by reading the names of all those gentlemen, but he would refer to two or three only; and every one acquainted with the principal persons in Dublin would be inclined to ask, when he mentioned the names of the Messrs. Campbell, and of Mr. Powell, a gentleman of large fortune and high position in the city, whose political opinions were of the most moderate character, what justifiable grounds could there be for striking off the names of parties so highly respectable? How could such a process of exclusion be regarded by the Roman Catholic population without feelings of deep exasperation at the conduct of the Government which practised it? He felt that as a Roman Catholic Member of that House he was entitled to ask the Government by whose authority it had taken place? Was it by the authority of the Secretary for Ireland? Was it by the authority of Her Majesty's Attorney General, himself a Roman Catholic? Was it with the sanction of the noble Lord the First Lord of the Treasury? When similar practices were, in 1844, put in force by the Government to which the noble Lord stood opposed in that House, no one more eloquently condemned them than the noble Lord. The people of Ireland could not have expected that the Government of the noble Lord would itself have pursued such practices. On the present occasion, however, when Mr. Meagher was to be tried, they struck off men of the highest respectability, connected in no degree with party politics, while they had retained men of low degree, whose only qualification appeared to be the fact that they were the declared and bitter opponents of the parties they were to try. There was no stronger opponent of the opinions of the traversers than he (Mr. Keogh); but he must say that, if it was the object of the Government to put down those opinions, and put an end to the dangerous course they were pursuing, a more futile mode of obtaining that object could not have been devised. If it were to be obtained by a verdict of jurymen, what would the country say but that it was a verdict obtained by packing the jury? We might be told that it was perfectly accidental, or that it was done without the knowledge of the Attorney General, as it had been stated in a Government organ in Dublin, that it was altogether the work of an old established officer, the Crown Solicitor in Ireland. He, however, happened to know the Crown Solicitor to be a most respectable person, one totally incapable of travelling out of his duty unless acting under the directions of his superior. He could not see the slightest reason why the Crown Solicitor should thus act unless in obedience to orders; and without he saw convincing proof that it was that indvidual's work, he should be very slow to fix it upon him. Besides, Mr. Kemmis would not have been likely to take such a responsibility upon himself without special orders, as under a Roman Catholic Attorney General, whose duty it was to prevent any such unfairness, he might have been sure of his dismissal. What, however, became of the plea of it being accidentally done, when immediately afterwards, in the case of Mr. W. Smith O'Brien, the same thing was repeated? [Mr. M. J. O'Connell: Mr. Smith O'Brien was the first.] It did not make the slightest difference which was first to the argument. Two panels were thus struck; but again, on the trial of Mr. Mitchel, two more panels were struck in a similar manner. He had not the smallest sympathy with the opinions and conduct of Mr. Mitchel; but he was strongly of opinion that if that or any other individual were to be tried, the jury ought to be a fair one. No jury in Ireland could be fair unless it were a mixed jury. If they were to impannel all the political and religious opponents of a defendant, and thus obtain a verdict, that would not be a due administration of the law. The people of Ireland could have no confidence in such an administration of the law. What ought to be the practice? The noble Lord at the head of the Government, when, in 1844, similar practices were put in force by the late Government, in referring in that House to the state of Ireland, used some most remarkable expressions. The noble Lord said that "the Government of Ireland was maintained by force and not by opinion. Why had they no reason here to fear any Government? Because the verdict of a jury stood betwixt every man and tyranny —because trial by jury secured to every Englishman his just rights." The noble Lord then went on to condemn the Government, because in a panel of forty-eight persons, ten of whom were Roman Catholics, the whole of those ten were struck off by the solicitors for the Crown; and the noble Lord added, that that "deprived those proceedings of any weight or value." Those were the opinions of the noble Lord in 1844; and he (Mr. Keogh) must ask whether similar conduct in the present case did not deprive the proceedings of which he complained "of any weight or value?" If there had been a conviction, what weight or value would that conviction have? But the circumstances were somewhat different in these two cases; but the comparison, in his opinion, was against the more recent. The noble Lord had held that, in 1844, the Government were quite justified in their proceedings in the case of eight Roman Catholics out of the ten struck off the panel, because they were active members of the Repeal Association. ["No, no!"] So it was stated by the noble Lord himself, in his speech already quoted. The present Secretary for Ireland, when examined before a Committee of the House of Lords, attributed all the improvements that had taken place in the state of Ireland to the practice, under the Whig Government, of not excluding Roman Catholics from juries. On that same occasion the hon. Member for Dungarvan (Mr. Sheil) had said, that as far as trial by jury was concerned the Catholic Emancipation Act was a nonentity; and no sooner was the panel of 1844 struck, then away went the hon. Member for Dungarvan and others to Dublin, to hold an aggregate meeting to protest against the conduct of the Crown Solicitor. [The hon. Member here quoted the requisition calling that meeting.] That requisition was signed by the present Under Secretary of State for Ireland, the present Attorney General for Ireland, by Thomas Wyse, and by Richard Lalor Sheil, now Master of the Mint. His object in bringing forward this subject was to obtain an explanation from Her Majesty's Government; and he also desired to call the attention of Parliament to the facts of the case, in the hope that that might put an end to the practice for the future. Ireland was not likely to make any progress if there were not a just administration of the law—if the people had no confidence in the juries by which they were to be tried. He believed that the general opinion in the House and out of it was, that there had been a good deal of blundering in the late proceedings on the part of the law officers of the Crown. Amongst other mistakes, nothing could have been more unfortunate than the selection of this jury. If the law officers of the Crown had not struck off the Roman Catholics whom they did strike off, and had struck off the Roman Catholics whom they left on, they would certainly have obtained a verdict. Who was the person they left on? Why, he had been chairman of a Repeal Association just four days before the jury was struck; and no sooner was the verdict of acquittal pronounced, than he went down to the Repeal Association to boast of what he had done. He was a person of no note or standing; and the reason he was left on was because he was a vestry clerk at St. Mark's Church; and it was thought that he was necessarily a Protestant. But in Ireland singular contradictions often happened. The Protestant vestry clerk turned out a very excellent Roman Catholic. He had discharged his duty in bringing the facts under the notice of the House. Great interest was felt on the subject in Ireland; and, unless Her Majesty's Government were able to give a satisfactory explanation, the Roman Catholics of Ireland would feel that a gross insult had been offered them. But whether the Government could explain or not, he trusted that, having called the attention of Parliament to the subject, that would be sufficient to prevent a repetition of such disgraceful practices.

Mr. ANSTEY seconded the Motion. He considered that the conduct of the law officers of the Crown in Ireland had been marked by a most unhappy and fatal course of error, and that the Government ought to direct their serious attention to the reformation of the proceedings of which his hon. Friend complained. He also considered that the Ministers were bound to afford the most full and ample explanation of the conduct of their subalterns with regard to this matter; and, if they could not defend that conduct, it was their duty to punish it.

LORD J. RUSSELL: I could have wished that the hon. Gentleman had postponed his Motion till we could have made more particular inquiries in Ireland with regard to the circumstances connected with the striking of these juries. What I have to say on the subject at present will only comprehend that which is known personally to myself, and the information I have received from the Lord Lieutenant. I certainly did not expect that any charge of partiality could have been made against Her Majesty's Ministers on the ground of the exclusion of Roman Catholics. I entertain now the same opinions I held in 1844—that the exclusion of Roman Catholics, as such, unless they were members of Repeal Associations, and had distinguished themselves by the violence of their conduct in such associations, would be an extremely wrong and unjustifiable proceeding. I certainly did not expect that the present Government would be accused of partiality on that ground, it being notorious that among the appointments they have made, Roman Catholics have received as much of the favour of the Crown as Protestants, according to their fitness for the different offices for which they have been selected. The hon. Gentleman has mentioned the Attorney General. It happens that the Attorney General for Ireland is a Roman Catholic, and the Under Secretary of State for Ireland is also a Roman Catholic. My right hon. Friend the Master of the Mint, and one of the Secretaries of the Board of Control, are also Roman Catholics; and many other Roman Catholics might be mentioned who have received appointments under the present Government. These facts show at least that Her Majesty's Ministers entertain no distrust with regard to Roman Catholics on account of their religion; and I certainly did not anticipate that any charge of this nature was likely to be made. When I first received from my noble Friend the Lord Lieutenant of Ireland an intimation that it was the determination of the Government to prosecute several persons for sedition, I wrote to him immediately to say, that I trusted no ground would be afforded for any charge with respect to unfairness in the composition of the jury, and that I would much rather see the persons acquitted than that any unfairness should be practised. My noble Friend expressed the same opinions; and when it was first said in Dublin that Roman Catholics of respectability, against whom it could not be charged that they had been violent in favour of repeal, had been left out of the jury, my noble Friend wrote to me stating that it was entirely a surprise to him, and was altogether contrary to his wishes and directions. Having said thus much, I cannot, I confess, pursue the question into its details. I can only state that the Attorney General for Ireland, Mr. Monahan, assured the Lord Lieutenant that there had not been—at least by his direction—any Roman Catholic left out of the jury merely on the ground of his being a Roman Catholic. The hon. Gentleman has alluded to the conduct of the Crown Solicitor, Mr. Kemmis, and he has paid a tribute to that gentleman of which I believe he is deserving. I believe he is a most respectable gentleman; but, with regard to the grounds upon which he proceeded in the striking of the jury, I have not received any information which would enable me to make a statement to the House. I have certainly, more than once, written upon this subject; and I think it would be only fair that the House should suspend its judgment till we know what statement Mr. Kemmis has to make. All I can say is, that neither I, at the head of the Government, nor the Lord Lieutenant of Ireland, nor the Attorney General for Ireland, had any wish or desire that any person should be left out of the jury on the ground of his religion, or that the jury should be composed exclusively of Protestants. That the juries were not well selected or packed—if the purpose was to pack them—I think the hon. Gentleman has himself shown; for it is notorious that there was upon one of the juries a person who had been chairman either of a Repeal Committee or of a Repeal Association, and who, according to the hon. Gentleman, was not only opposed in opinion to the majority of his fellow jurors, but who considered that it was not a matter in which he was bound by any oath, but one in which he was solely bound to regard the interests of the faction to which he belonged. With respect to the Motion, I believe it will be impossible to comply with the latter part of it, as there is no formal record of the religion of the parties. I think that part of the Motion ought properly to be left out; but I have no objection to the other returns. I can only say, in conclusion, that when I receive any further information of what actually took place with regard to the striking off of these names, and the reason for striking them off, I will immediately state that information to the House for its satisfaction. I again repeat that, whatever example may be given by others of disregarding their obligations, and making the part which they have in the administration of justice a matter of politics and not of duty, the Government will be the last persons who will either set or follow an example of that kind. Their desire is to have respectable persons upon juries, and to leave the administration of justice in their hands, quite irrespective of the religion of the different parties of whom such juries may be composed.

Mr. M. J. O'CONNELL expressed his satisfaction at the declaration of the noble Lord, which he was sure had been most gratifying to the House—that he was anxious that the law should be administered in Ireland in a spirit of fairness and justice. On the occasion of a somewhat similar trial a few years ago, Roman Catholics were totally excluded from the jury; and the hon. Gentleman who brought forward this Motion had said that that exclusion was strongly protested against by Mr. Wyse, his right hon. Friend the Master of the Mint (Mr. Sheil), and the Attorney General for Ireland. But there was one distinguished Roman Catholic name which he (Mr. M. J. O'Connell) did not remember seeing among the protesters—that of William Keogh, a Roman Catholic member of the Irish bar. He would contend, notwithstanding all that had been said to the contrary, that the blundering to which reference had been made, ought not in any respect to be attributed to his right hon. Friend Mr. Monahan. It was too much the fashion to accuse that learned Gentleman of committing mistakes; but he must take the liberty of saying that in Ireland, amongst Conservatives of the highest character, Mr. Monahan received, and had earned, the greatest approbation for the temperate and judicious tone of the statements which on recent occasions he made to juries whom in the discharge of his duty he was called on to address. He was convinced that if there was any blundering, it would be traced to Mr. Kemmis, and not to the Attorney General.

Mr. REYNOLDS remarked, that there was nothing new in the packing of juries in Ireland. Even the hon. Member (Mr. Keogh) had himself been perfectly silent under the packing of former Administrations. He hoped that a searching investigation would take place, with a view of placing the saddle on the right horse; for nothing had occurred in Dublin for the last twenty years which had occasioned more dissatisfaction and indignation in persons of all creeds than the exclusion of Roman Catholics from the recent juries.

Sir G. GREY would not have risen, were it not that he feared by his silence to be held as acquiescing in the imputations which had been thrown out against Mr. Kemmis. He would ask hon. Members to suspend their judgments on this point until they were put in possession of further information on the subject. From the information he had received, he could not believe that Mr. Kemmis was liable to the charge which had been made against him. He should deeply regret if it should turn out that, in striking the jury, any insult had been offered to Roman Catholics, or any general distrust exhibited towards them as jurymen. He had hoped that the religion of the Attorney General would of itself have protected him from such a charge; and he felt it due to that right hon. and learned Gentleman to say, that throughout the trials of the special commission, which he conducted with great judgment, forbearance, and ability, in no single instance did he exercise the right of setting aside a juryman on account of his religion or otherwise. He allowed the juries to be struck without interference, the majority of them being Roman Catholics. It ought to be remembered, however, that they were bound to set aside some jurors; and that although instances could easily be adduced of persons being set aside who were perfectly competent, that was no proof that any wrong had been done. The original panel consisted, of course, of forty-eight; and as each party had the right to strike off twelve, leaving twenty-four to choose from, it was obvious that there might be many gentlemen of great respectability among those so struck off.

Motion, with the Amendment suggested by Lord J. Russell, agreed to.

House adjourned at a quarter to Two o'clock.

HOUSE OF LORDS,

Thursday, May 25, 1848.

MINUTES.] *Took the Oaths.*—Several Lords.—The Lord Stafford took the Oath prescribed by the Act 10 Geo. IV., to be taken by Persons professing the Roman Catholic Religion.

Sat first.—The Lord Saye and Sele, after the Death of his Cousin; The Earl of Powis, after the Death of his Father.

PETITIONS PRESENTED. By the Duke of Richmond, Earl Delawarr, Lord Stanley, and the Earl of Galloway, from a great number of places, against the Removal of the Jewish Disabilities.—From Bristol and Aughaloo, and several other Places, complaining of the Inefficient Support granted to Schools in Ireland.—From the Members of several Lodges of the Independent Order of Odd Fellows, that the Provisions of the Benefit Societies Act may be Extended to them.—By the Earl of Erne, from Limaskia and Roscommon, for an Alteration of the Poor Law (Ireland).—From Forres and Elgin, against the Registering Births, Marriages, &c. (Scotland) Bill.—From Purton, Malford, and Rolvenden, for Inquiring into the Existing State of Turnpike Trusts.—From Walsall, for an Alteration of the Law of Debtor and Creditor.—By Earl Grey, and Earl of Radnor, from Hardwick, and other Places, in favour of the Jewish Disabilities Bill.—From several Wesleyan Methodist Congregations, and the City of Bristol, against the Sale of Intoxicating Liquors on Sundays.

SPAIN—DISMISSAL OF MR. BULWER.

LORD STANLEY rose to put a question to the noble Marquess opposite, which he had no doubt would be very easily answered. It was quite unnecessary that anything further should now be said than to give a simple reply to his inquiry. At the present moment he deprecated all discussion; but still the subject of the question which he had to put was so important, that he could not refrain from requesting the noble Marquess to give it shortly an answer. The question which he desired to put was this, whether Her Majesty's Government intended to submit to Parliament the circumstances under which the British Minister at Madrid had had his passports forwarded to him?

The MARQUESS of LANSDOWNE replied, that Her Majesty's Government were perfectly ready to afford the fullest information on the subject to which the noble Lord's question referred, and he quite agreed with him that any discussion of the merits of the case would at the present moment be most inconvenient. It was in the greatest degree expedient that every paper relating to recent events at Madrid should be placed before Parliament in as short a time as possible. His noble Friend the Secretary for Foreign Affairs had informed him that those documents were now in course of preparation; and, upon further inquiry that morning, he found that his noble Friend was anxious, if possible, to lay them on the table of the House of Commons to-morrow; but at all events, if not to-morrow, at the first sitting of the House after to-morrow.

FRANCE—SPEECH OF M. LAMARTINE.

LORD BROUGHAM wished to put a question to the noble Marquess opposite respecting a speech, or pretended speech, of M. Lamartine. He wished to know whether the British Ambassador at Paris had forwarded to Her Majesty's Government any account of a speech said to have been delivered by M. Lamartine, the head of the Executive Government of France, to the effect that France was prepared to act upon the principle that any people desiring to obtain their rights, but who were weak enough not to be able to obtain them without assistance—that France was bound to help a nation so circumstanced, and to co-operate with her for the purpose of obtaining her rights—that at the present moment there were 30,000 men, and that that number could speedily be increased to 60,000—that those men were ready to appear on the frontier of Italy, or of any neighbouring Power—and that they were now ready to cross the Alps? This was the language held on the 19th of November, 1792—if not exactly in the same words, the intent and purport were the same. He wished to know if the Government had received any account of that speech, and, if so, were they prepared to lay such account on the table of the House? If no such account appeared—if Lord Normanby forwarded no communication on the subject—he must conclude that the report of such a speech was altogether false and unfounded.

The MARQUESS of LANSDOWNE had no other knowledge of any such speech, true or false, than that which he had derived from the newspapers. He had seen no report on the subject from the British Minister; he had seen that morning a despatch from Paris, in which no reference was made to the subject.

JEWISH DISABILITIES BILL.

Order of the Day for the Second Reading of the Jewish Disabilities Bill read.

The MARQUESS of LANSDOWNE: My Lords, I beg leave, in pursuance of the notice which I have given, to move the second reading of this Bill—a Motion which has been delayed for a considerable time, undoubtedly not from any indifference to the importance of the subject, but from an anxious desire to meet the convenience of any Members of your Lordships' House, justly entitled to take a part in this discussion. For myself, I must freely admit to your Lordships, nor do I conceal from myself, that this Bill, however important as a question of justice—as a question affecting the interests of many of Her Majesty's most loyal subjects—is, nevertheless, not of a nature to excite that degree of interest which has attended other measures. I am well aware that it does not nor cannot excite that amount of interest, nor can it be discussed upon those grounds of prudence or possible danger or apprehension of the same magnitude, as those which have attended other measures for the removal of civil disabilities. No! it is but a small still voice which endeavours to make itself heard at your Lordships' door; but the question is whether that voice is the voice of justice? My Lords, I think I cannot do better, in the outset of those observations which I shall feel it necessary as briefly as possible to trouble your Lordships with, than to recall to your attention the state of the law upon this subject. It is always convenient as well as important, when we are about to make, or to consider the propriety of making, a change, that we should well understand what is the state of the law which it is proposed to alter. My Lords, you are not called upon to make any change in the constitutional law of this country. That constitutional law presents no difficulty whatsoever. It has been the characteristic of the constitution from its best times, and I trust will continue to be its distinguishing feature, that it abhors exclusion, it rejects disability, it requires those who propose exclusion and disability to make good the grounds on which they make such a proposition. For a long period of English history there was no exclusion whatever. Take your great constitutional Acts, take your great constitutional proceedings from the very birth of that constitution—from Magna Charta downwards—and you will find no enactment disqualifying any of the King's liege subjects from being elected or appointed to the stations which they were capable of filling. But the time did come when, not with the character of a permanent Act, not with any pretence to make it a universal and permanent law, but for temporary causes and for temporary purposes, it was thought fit to enact temporary exclusions. In the reign of Queen Elizabeth the first of these exclusions took place, and certain oaths were prescribed which persons eligible to office or eligible to Parliament were required to take. Subsequently, in the 7th year of His Majesty King James I., it was thought fit to introduce an Act of Parliament which prescribed an oath and declaration; and here it is to be observed that, not avowedly, not with any mention of the Jews, not with any reference to the situation in which either they or any persons assumed not to be Christians were placed in England, but for another distinct, specific, and, on the face of the Act of Parliament, avowed purpose, namely to put down Popish recusants, an Act was passed in which these words were introduced, the effect of which, for the first time—but, as I shall show, not uniformly since—was to exclude persons of the Jewish persuasion from Parliament and from office. That Act was passed under these circumstances: there had been recently machinations discovered of a most portentous and alarming character—conspiracies which had for their object the subversion of the throne and religion of these realms. It was immediately after the Gunpowder Plot, when discoveries were made in many of which persons of the Roman Catholic religion were implicated; and it was known, at least it was imputed to certain persons of the Roman Catholic faith at that time, that they were not easily bound by any common oath, and it was therefore deemed desirable to frame such an Act of Parliament as should practically exclude them—prescribing an oath which would not admit of equivocation, and by which, unless they were prepared to swear in unequivocal terms their adherence to the Protestant throne and the constitution of this country, they would be ineligible to any office. For this purpose, without any mention of the Jews, without any allusion to such persons, those words were introduced, which no one can doubt were intended as a mesh through which no equivocation could pass, and which should effectually exclude persons not because they were bad religionists, but bad subjects of the realm. That was the ground on which the Act passed. This Act lived through the civil war; but after the Revolution the very first thing Parliament did, upon the establishment of King William and Queen Mary on the throne, was to consider the subject of oaths; and the result of that consideration was, that the oaths prescribed were, in the language of the Act, "hereby repealed, abrogated, and made void." That is to say, the oaths, including that particular security which it is contended by some persons is a principle of the constitution, were upon full consideration, in the very best period of our constitutional history, distinctly, and in terms, annulled and made void; not by accident, not at a time when either political party or the Church slept; not in the heat of the moment when men's minds were diverted from the matter before them, and led to acquiesce in that which is dangerous from the absence of the precaution and vigilance which point out where danger is; but, on the contrary, at a time when every constitutional and religious question was carefully weighed and balanced—when there was a great difference of political opinion—when there was a great difference of ecclesiastical opinion—when the differences between what was called the High Church and Low Church were at their utmost heat—upon due deliberation Parliament came to the resolution that these oaths should be abrogated; and it occurred to nobody to state or think, if those oaths were abrogated, certain persons not professing the Christian religion would get into Parliament. Such an apprehension was not stated, because such apprehensions were not felt. For thirteen years, and those eminently and by distinction, if any distinction can be made—years in which the principles of the constitution were most weighed and most valued—Jews were admissible to Parliament. Undoubtedly this did not continue; but why did it not continue? Thirteen years afterwards, at the close of the reign of King William, and just before the commencement of that of Queen Anne, at a very critical moment, it was thought expedient to revive the oath of abjuration. But let me ask those who look at the history of those times, is there the least vestige of an intention either to exclude Jews, or any others except Roman Catholic recusants and nonjurors? At that moment the name of the Pretender being recognised in France, and Louis XIV. then in the zenith of his power, and ready to promote by intrigue the interests of the Pretender in this country, it was thought, not unnaturally, to be a period when they should revive the oath of abjuration, for the purpose of excluding Roman Catholics from seats in this and the other House of Parliament; and that being the object, an object precisely analogous to what was held in view at the time the Act of James I. was passed, what could be more natural than to recur to that very temporary Act, and introduce the same words to exclude Roman Catholics? Accordingly, these very words were carefully copied and inserted in the Act; and thus we find the words revived prescribing an oath, "on the true faith of a Christian." Upon that ground and upon no other—the accidental introduction of words of this description—certain persons, particularly Jews, though not in name, were excluded from seats in Parliament. Such was the state of things until a recent period, when, it will be in the recollection of all your Lordships, a petition was presented, I think, in 1830, from the Jews resident in the metropolis, complaining of their exclusion after your Lordships had admitted the Roman Catholics and others, removing all impediments that stood in their way by the prescription of oaths and particular declarations they were required to take. That petition met with a favourable consideration, and a Bill was brought into the other House of Parliament by certainly one of the most able, excellent, and religious men I ever knew, the late Sir Robert Grant. That Bill did not go through the other House of Parliament, but it was very favourably received at first. Two divisions took place upon it—in one the majority was for, in the other against the Bill; but in both those divisions I find among the supporters of that Bill the names of persons eminent for their attachment to religion and their great constitutional knowledge—among others I find the name of the noble Lord opposite (Lord Stanley), who was then a Member of the other House of Parliament. That Bill was lost in the Commons. It was again introduced next Session, and then it passed by a considerable majority in the other House of Parliament. It came up to this House, and was introduced by a noble Lord who I regret is not now present, owing to his advanced years and infirmities—a nobleman whose high character entitled him to take a lead in questions of this nature, and whose eminent personal religion gave great weight to his advocacy of such a measure—I mean Lord Bexley. He moved the Bill in this House, but it was lost. I have now, my Lords, stated what has passed on this question up to the present time. This Bill is again sent up to your Lordships, having been carried in the other House of Parliament by three successive and considerable majorities. Why, then, my Lords, I think I have at least made made out a case for your Lordships giving a serious attention to this subject, and for your well considering whether you ought not to adopt a measure repeatedly brought before you, with the sanction of such names, the support of such authority, and the concurrence of so many circumstances in the state of the world which should induce you to give a favourable consideration to any practical removal of any existing disability whenever you can with safety. I say you are called upon—I must add, you will be called upon again and again—to take this particular course. This, then, leads me to consider what are the objections to the present Bill; and great as I think the weight to be attached to any objection based on religious feeling, before dealing with what may be called considerations of expediency, I will not pass over the opinion entertained more, I believe, by petitioners to your Lordships' House against the Bill, than by your Lordships who are about to vote upon it—that this is a religious question. I contend that it is not so. I contend that there is no precept of religion, no declaration of the revealed will of God, that can in the slightest degree preclude your Lordships from taking, as you are about to take, a view of this question with reference to its being dangerous, or free from danger, or from settling this important question by agreeing to this measure. Not only do I say there is no such precept—because if I could see there was any such precept, I believe honestly, far from moving the second reading of this Bill, I should be the first to leave such a measure unnoticed on your table, if I did not myself move your Lordships immediately and distinctly to reject it; but there being no such declaration of the Divine will—it being, on the contrary, manifest that from the very beginning Christianity had the character of adapting itself to existing institutions, although not of a Christian character, disclaiming every sort of interference, finding its strength, and recommending itself by the very fact that it did not interfere with political questions or political authorities; I ask your Lordships who this people are, whom, I contend, we are not required by any precept of religion to refuse to admit to a participation in civil and political privileges? I have said, that the Christian religion has made its conquests not by any exclusions—not by forcible means—not by Acts of Parliament—but by the conviction that it was Divine—by the exhibition of its virtues—by the gentleness and benevolence of its teachings—by the holy and peaceful influences which it exercised on all who came within its reach. I said, who are those people that we are called upon to exclude from the advantages possessed by Christians? Are they people with whom we Christians have no relations? Are they people, I again ask, between whom and Christianity there are no important relations in a religious sense, although they themselves are not Christians? Can we, my Lords, forget the connection between them and the religion which we believe in? Can it be forgotten that theirs is a nation whose religious laws you have adopted—a nation that for ages and centuries has been the means of laying the foundation of your religion—a nation that for years and centuries has been favoured by the Almighty—that their religion has been the means of preserving, in the midst of superstition, barbarism, and idolatry, the knowledge of the Eternal—and that God has walked before that people with a pillar of fire, guiding their progress, teaching them to avoid the delusions and snares with which they were surrounded, and enabling them to hand down that state of things to posterity upon which state of things your religion is based and founded? Is it necessary for me to remind your Lordships that the commandments of that religion, the laws of that people, are your laws and your commandments, engraven on the stones that are set above the altars of your religion, and engraven on the hearts of the congregations that worship at those altars? Is this a people you are entitled to despise as unfit and inadmissible to the rights of fellow-subjects according to their ability to exercise those rights? On the contrary, they have filled an important situation in history, and we are bound to recognise them. Formerly, indeed, it might be said of the Jews—

> "Insula, dives opum, Priami dum regna manebant;"

though I fear we Christians must add—

> "Nunc tantum sinus et statio malefida carinis."

Nevertheless, they are entitled to our best consideration. And when I am told that there is no relation between this people and ourselves—that we have no relations out of the pale of pure Christianity, I must take leave to dispute such a proposition as affecting a race so eminently distinguished for a brotherly love that might be called a Christian love; for good feeling and humanity; and for the practice of charity and benevolence. But the other day I found in a sermon by one of the most eloquent divines ever heard in this country, a passage remarkably applicable, in which the preacher was summing up a comparative view of Christian virtues as opposed to Pagan virtues; and I will beg your Lordships to hear but a very few lines. The noble Marquess here read a passage from a sermon preached by the Rev. Robert Hall, which was to the following general effect:—

> "That one of the most distinguishing characteristics of Christianity, as compared with the wisdom and humanity of Pagan philosophy, was, that the compassionate consideration for the poor inculcated by the former, formed no part of the lessons taught by the latter. It never thought of the blessedness of him who considereth the poor; that you might have traversed the Roman empire in the zenith of its power, and while you met with monuments of pride and trophies of war, not one asylum of the poor was to be seen; but that it remained for the religion whose basis was humanity, and whose element was devotion, to proclaim to the world—'Blessed are the merciful, for they shall obtain mercy.'"

That description of Christian virtue, as distinguished from Pagan virtue, could not apply to the Jews. Have they not distinguished themselves by mercy, and charity, and benevolence? Have they not exhibited those attributes described by Mr. Hall as characterising Christian virtue in contradistinction to Pagan virtue? They are charitable, humane, and generous, supporting numerous hospitals and benevolent institutions; and though I may be told that they are indebted to Christianity, and not being Christians they have imbibed the virtues of Christianity, then I say in answer to that assertion, that if they have so imbibed the virtues of Christianity, it would be gross injustice not to give them the merit of possessing those virtues which they exhibit, even if they have imbibed them. I say that these are persons who are entitled to your Lordships' attention, and their claims are of a nature which deserve our greatest consideration. My Lords, I have shown that they are not precluded from obtaining these political rights by any claims of the interests of religion. The just regard for the interests of religion does not prevent us from giving to them the political rights to which they are entitled. Where is the danger to the constitution if we accede to their claims? Where is the danger to Christianity if we admit them to an equality of political privileges with Christians? It has been said that if you pass this measure, and Jews are admitted to seats in the Legislature, you will no longer be a Christian Parliament. My Lords, I deny it. You will be still a Christian Parliament, in the same sense that everybody may be so called, considered with reference to that which is its general character and tendency. To enable anybody or anything to obtain a particular character, and for all useful purposes, it is not necessary that every particular of which it is composed should be homogeneous. You might as well say that the very standard which regulates your commercial transactions should not be called gold, because it contains certain other portions of matter which are not gold. Yet the gold so commingled or alloyed, is the standard of value; it is gold to all intents and purposes of utility; its objects and usefulness are not impaired. How then can any person argue that the introduction of Jews would so alter the character and tendency which the Parliament of this country always had, and I trust always will preserve, namely, to support and maintain not only the existence but the predominance of the Christian religion? I never was able to discover why, when a person was enabled to act in concurrence with a large body of other persons infinitely superior to himself in station and numbers, he should be considered more dangerous than while he exists only as a unit in a multitude, or in a separate and independent position. You have already, my Lords, placed the Jews in that independent and separate position; and what use have they made of it? You have placed them in positions where they could be mischievous, if they were so inclined; and what harm have they inflicted on the constitution? A Jew can be a high sheriff, a juryman, a magistrate—nay, more, he can be empowered to appoint, aye, and to swear in constables—and during the recent disturbances at least two wards in the metropolis were under the magisterial charge of Jews; and what evil has come of those powers which you have conferred upon them? Suppose a Jew were to be brought to trial for high treason: if a Jewish high sheriff had the selection of the jury, it may be said that he might possibly use his influence to save that dangerous character; but, my Lords, we do not think that such an occurrence is probable—we do not fear it—and even the bare possibility of such a coincidence is no argument against a measure like this. A Jew may be sheriff, magistrate, or juror at present; but it is said that the admission of two or three Jews into Parliament, in an assembly so numerous, will have a serious effect upon the Christian character of the Legislature. Now, in my opinion, my Lords, it is more dangerous to admit many professing Christians than those two or three Jews. I say professing Christians, and, I may add, persons believing themselves Christians, but who may, at the same time, be not properly and thoroughly acquainted with the truths and principles and doctrines of Christianity. You will find acts of the most objectionable character receiving the sanction of such persons; and I think that persons of that description are infinitely more dangerous to a Christian Legislature, because they are in the garb of Christians, than if they came openly in another avowed character. I will not multiply instances. You have throughout Europe instances of Jews admitted, and Jews excluded from participation in legislation; and I cannot see the difference as regards the safety of the Christian religion. In the last war in which Holland was engaged, many of the officers and men were Jews; but did any one, therefore, say that the army of Holland was not a Christian army—that it was an infidel army? No one ever put forth such an assertion. You are acting with the grossest inconsistency. In many parts of Her Majesty's dominions Jews are at this moment sitting as members of the Legislature by the authority of the law. In Jamaica, or in Canada, a Jew may be a representative in the Legislature; and by this day's post I have received a newspaper from Ceylon, which states that a Jew is a member of the Legislature of that island. Yet the bishops are safe in those colonies; and the religion of each colony is not affected by the fact that a Jew may be a member of the Legislature. Yet here it is thought by some that to admit the Jews would be to contaminate the character of the Christian assembly into which they entered. All who have a fair claim to political rights should be allowed to possess them; and, as I have already observed, Christianity does not preclude them. My Lords, I am unwilling to detain your Lordships longer; but I will beg of you to look back at the true character of that religion which you profess, and of the law under which you live. I will beg of you to recollect that that religion was humble and lowly in its birth and origin—that its Divine Founder, in most emphatic and solemn words, says, "My kingdom is not of this world;" and that by favour of Divine Providence our religion, not by force and violence, but by gentleness, benignity, and persuasion, has extended its empire, and brought the nations of the earth under the shadow of its authority. And I ask you, if that be the principle which presided over the birth of that religion, and hallowed its progress, can we now, in the maturity of its strength and power, refuse to admit within the pale of that constitution in which Christianity has been and ever must be the predominant portion, a body of persons who can show a fair claim for admission? I believe that none should be excluded from the pale of the constitution unless disqualified in a political sense, and I therefore have great pleasure in moving the second reading of this Bill, believing as I do that it will add strength to the constitution, instead of imparting weakness; and believing as I do that the existence of the constitution of this country is bound up with the predominance of Christianity—a predominance which does not require for its support that we should exclude the Jews from those rights to which they are entitled by the fundamental rules of the constitution—rules which were never suspended unless by temporary Acts passed for temporary purposes.

The EARL of ELLENBOROUGH: My Lords, I move that this Bill be read a second time this day six months. In doing so I must say that I never recollect an instance of a measure being submitted to the Legislature in which the smallness of the object bore so little proportion to the magnitude of the sacrifice by which it is to be attained. This question is a political question, but it is a religious question also. The noble Marquess has referred to history, and referred to a time when Jews might have sat in Parliament, because there was no legislative enactment to the contrary; but the noble Marquess knows well that in the times from which he selected his examples, no Jew would have dared to offer himself for any office; he would not have survived the day on which he did so. The noble Marquess knows perfectly well that in 1754 the Legislature was compelled to repeal an Act for the naturalisation of the Jews, such was the indignation of the people of England at even that small concession. But, whatever may have been the law technically, the Parliament has always been practically and exclusively a Christian assembly; and that character I earnestly trust the vote of your Lordships to-night will preserve. The noble Marquess has also told your Lordships that you ought to respect the Jews, for it is from their law that we derive a large portion of our own belief. It is precisely on that ground that I repudiate the claims of Jews to become members of a Christian Legislature. It is because they believe so much of the Divine Law, and not more, that I object to the recognition of their claims to take part in the legislating for a Christian people. The Mahomedan religion is also founded on the Mosaic law to a great extent, and is more like Christianity than the religion of the Jews. But if this measure is to be based on the broad principle of disregarding belief in Christianity as a qualification for becoming a member of the Legislature, why limit the advantage to the Jews? Why not make it general? Why is the principle not boldly laid down, that no matter what the religious belief of the person may be, he is admissible to Parliament? No! You dare not place such a principle before the people of this country. The proposed measure is placed by Her Majesty's Government on the narrow ground of advantage to a few individuals; and under the smallness of the object it is attempted to obtain the sanction of your Lordships to what will prove the destruction of the leading principle of the constitution. Your Lordships have been told that it is not just to exclude men on account of their religious belief; it has been argued, that the Legislature has admitted to Parliament classes of persons who professed belief in the Christian religion, but who differed from the Established Church. That Church, however, is the creature of the State; but Christianity is part and parcel of the common law of the land, identified with and inseparable from the State. I, for my part, do not object to the relaxations which have taken place; but I take my stand on the broad line of Christian belief, and would oppose its being passed over by the Jews. Great danger cannot fail to follow the adoption of a different course. Parliament has endeavoured to instruct the people, and, in doing so, to unite religious with general instruction; but how can that principle be carried out were Parliament to admit that it is a matter of indifference whether a man is a Christian or not? How can the truths of religion be taught, when, in the same breath, we state that the institutions of the country are founded upon Christianity, but that it is not necessary that legislators should be Christians? It has been said that it is not just to visit the sins committed by the ancestors of the present race of Jews upon them. There is no intention to do anything of the kind. Their exclusion rests upon other grounds. They are excluded, not because their ancestors committed a crime eighteen hundred years ago. Not because they themselves would commit the same crime now, could the same circumstances occur. Believing as their ancestors believed, disbelieving as their ancestors disbelieved, the Jews of the present day must act as they did under an unchanged law. The Jews have no more right to complain of disqualification being attached to their religious belief, although possessed of all the other qualifications to seats in Parliament, than Christians have who find themselves disqualified by the want of some one or other of the qualifications which are required. The admission of Quakers, Moravians, and Separatists to Parliament, without being required to take the oath on the "true faith of a Christian," does not militate against the Christian character of the Legislature. The Quaker practically declares his belief in Christianity when he make the declaration that he is a Quaker. And the same remark applies to the Moravian and the Separatist. But, to remove the words "on the faith of a Christian," would be to open the door to the admission of men who were not Christians. Something has been said as to the various qualifications of the Jews in social life, and especially as to their charity. I readily admit that many of them have distinguished themselves much by acts of benevolence; but a man who is very rich may appear to be extremely charitable by exercising only a very ordinary extent of charity. But we must consider that we are dealing with this subject in a worldly as well as in a religious view; we must consider what is the social character of the Jew as a citizen. He stands one of a nation within a nation, totally distinct from that nation in every characteristic. In the midst of agriculturists or manufacturers, he is neither an agriculturist or manufacturer. The Jew does not labour; the Jew buys and sells at a small profit the fruit of the labour of others. There are few poor amongst them—no paupers. It is greatly to their credit that such is the case—I apprehend they provide for their own poor by a rate. There are a few rich, but some very rich. They cannot intermarry with the people of this country. Except in the higher classes, they mix but little socially with the members of other religious associations. They are citizens of the world, rather than citizens of England. It is quite true that they are not aliens in this sense that they do not owe allegiance to another country; but there are no people in the world who can transfer themselves to another country with the same facilities as the Jews. Wherever a Jew goes he finds his own people, his own religion, his own language, and, at the same time, he finds all persons of his nation engaged in transactions similar to himself. I cannot therefore consider that they are, or ever can be, identified with the people amongst whom they live. It may be interesting to observe with what extreme facility Jews even of the highest class can transfer themselves, their property, and their religion, from one country to another; and, with your Lordships' permission, I will read to you what I read the other day in a journal, in an extract from the *Memoirs of Sir Fowell Buxton*, giving an account of the interview he had at dinner with the late Mr. Rothschild. Sir F. Buxton, in his diary, said—

> "We yesterday dined at Ilam-house, to meet the Rothschilds; and very amusing it was. He (Rothschild) told us his life and adventures. He was the third son of the banker at Frankfort. 'There was not' he said, 'room enough for us all in that city. I dealt in English goods. One great trader came there, who had the market to himself; he was quite the great man, and did us a favour if he sold us goods. Somehow I offended him, and he refused to show me his paterns. This was on a Tuesday. I said to my father, 'I will go to England.' I could speak nothing but German. On the Thursday I started. The nearer I got to England, the cheaper goods were. As soon as I got to Manchester I laid out all my money—things were so cheap—and I made good profit. I soon found that there were three profits —the raw material, the dying, and the manufacturing. I said to the manufacturer, 'I will supply you with material and dye, and you supply me with manufactured goods.' So I got three profits instead of one, and I could sell goods cheaper than anybody. In a short time I made my 20,000*l.* into 60,000*l.*'"

Such is the origin of the introduction of the great house of Rothschild to this country, and I will say, also, such is the origin of this Bill. It has been observed that Providence often avails itself of mean instruments to effect the greatest objects; and certainly if the effect of this measure should be to unchristianise the Legislature of this country, never was a great event brought about about by a meaner instrument than the refusal of a Manchester traveller to show his patterns to a German Jew. The noble Lord has said that the Jews are eligible as magistrates, as sheriffs, and as Lord Mayors of London. I do not attach great importance to municipal dignities. Some of the most considerable men in every city refuse to hold them. I must confess I wish that Mr. Rothschild's ambition were like that of Cæsar, who said he would rather be the first man of a municipality than the second man in Rome. He might have attained the dignity of Lord Mayor of London; and sitting in the chair of Whittington, he might have proudly reflected that the advantage of the refusal of the patterns had had consequences as memorable as the celebrated adventure of the Cat. But the question before us is, I confess, too serious to be thus treated. I take a most serious and, I think, not an exaggerated view of the great danger now impending on this country in its foreign and domestic concerns. It is impossible for me not to feel that we are in a great crisis of the fate of this country. It is impossible, from what we have witnessed, and what we now witness, not to come to this conclusion. We ourselves have had a warning in famine, a warning in general distress, a warning in pestilence, a warning in the divisions amongst our people, still threatening the dismemberment of the Empire. When we look around us we see nations convulsed; the most ancient and powerful dynasty of Europe crushed in one day; the great empire of Austria broken to pieces like the potter's vessel; we see the disruption of some of the most ancient combinations of territory; the formation of new combinations of territory; nor have we the slightest power, reasoning from the past, to calculate in the smallest degree on the action, the policy, or the strength of the several new States which are rising out of the deep in which everything ancient has been absorbed. We see all the great landmarks of nations displaced; we see upon the Continent society itself shaken to its centre; we see the wildest schemes for its reconstruction, by men who without the smallest reference to the experience of the past, seem to think they have all wisdom for the future government of mankind. How long are we to remain, separated only by a narrow channel, untouched by the contamination of these evils? I trust your Lordships will apply yourselves to the only path by which this country can be saved; that, regarding all the great principles on which the happiness of nations rests in all times, you will forego legislating for private purposes; that, whatever the temporary interests of men or governments, you will take a large view of public affairs; and, above all, that you will not deprive yourselves of all right to heavenly aid by decreeing this night the desecration of Parliament and the destruction of the exclusive Christian character of the British Legislature.

The Duke of CAMBRIDGE: My Lords, it is a duty which I owe to myself to express my sentiments on the important question now under consideration. I think, in consequence of the situation in which I stand, as the President of the Jewish Hospital, it would be peculiarly wrong if I did not explain, as clearly and strongly as I can, my opinions on the subject of admitting Jews to Parliament. I have been acquainted with many members of that persuasion, not only in this country, but in that country where I lived for many years, and I have never hesitated to assist them in obtaining privileges which I thought could be safely accorded. I have, my Lords, the very highest respect for many individuals of the Jewish persuasion; and in consequence of the circumstance to which I alluded, I am of course brought into communication with many of them. I will not mention any names, but I will refer to the individual who went to Jerusalem, and made great sacrifices for the protection of his Jewish brethren, as one of those for whom I feel very great respect; and therefore, my Lords, I think it my duty to take the very first opportunity of expressing my views upon this subject, and of stating to your Lordships that, notwithstanding my feeling of personal respect for the character of many individuals of the Jewish persuasion, I cannot hesitate as to the course which I should take on the present occasion, because, my Lords, I feel that, as long as the British Government continues to be a Christian Government, we cannot admit the Jews to a share in the counsels of the State. I have thought it my duty at once to make this statement to your Lordships. I should have felt great satisfaction in affording the Jews any relief to which, consistently with my conscience, I could assent; but, according to my conscientious opinion, as long as this country is a Christian country, it is impossible to admit Jews to sit in the Legislature.

Viscount CANNING said, that he should not do justice to the strength of his convictions on this subject if he shrunk from stating the grounds upon which that conviction was founded; and he derived some courage from the speech of the noble Earl who had spoken against the Bill, because he thought that the cause which the noble Earl had espoused so warmly, and advocated with so much eloquence, owed its greatest point of strength to the appeal which the noble Earl had made to their Lordships' feelings, rather than to any dispassionate reasoning on the subject. The argument mainly put forward by the opponents of the measure, rested on the assumed unchristianising of the Legislature, which was said to be its consequence. That was an argument which it was difficult to deal with shortly; but the difficulty arose from an ambiguity in the use of a word, which was ordinarily intelligible enough—he meant the word Christian. A different meaning had been attributed by the Legislature to that word at different times. Many years ago the Legislature of this country was Christian in the strictest sense. Nay, more, it was Christian in an artificially strict sense of the term, if he might be allowed the expression. The Legislature was closed against all but members of the Church of England; but it was afterwards thought necessary to change that, and to open the doors of Parliament to Roman Catholics, who regarded them as heretics—to Protestant Dissenters, who looked on the Church with the utmost jealousy—and to Unitarians, who regarded their faith as credulity, if not superstition. Thus the difficulty arose: they admitted Unitarians, but they exacted from them, as from all other sects, except the Quakers, Moravians, and Separatists, a declaration of certain political opinions "upon the true faith of a Christian." When those terms were imposed upon the Unitarians, it was done by the Legislature openly and advisedly; and when he was speaking of the Unitarians, he begged to guard against the supposition that he meant to impute to those who made that declaration that they made it with any equivocation or mental reservation. He had no such intention. On the contrary, he contended that Parliament, when it required Unitarians to make that declaration, must have meant them to take it in the sense in which only Unitarians could take it. What, then, became of the word "Christian?" When it was recognised by Unitarians as a legitimate description of their faith, clearly, whatever the definition of it might be, it must be held to include a faith which rejected the divinity of our Saviour, and the doctrine of atonement by His death. That, he thought, disposed of the religious part of the question; for if, when they spoke of Christianity, they did not include the divinity of our Lord, or the doctrine of atonement by His death, Christianity was but a shadow, and the sound of idle words; and he would not consent, for the sake of retaining that shadow, to commit, as he should commit if he opposed this Bill, an act of political injustice. The noble Earl had said that he was not prepared to punish the Jews on account of the great and awful crime of which they had been the perpetrators; but that, in his opinion, they were at liberty to punish them, because they had not since changed their creed, and, if the same opportunity happened now, they would treat the opportunity in the same way, and imbrue their hands in the same blood. Now, he (Viscount Canning) could see no justice in that; and he thought that the noble Earl would find great difficulty in carrying out that principle in the administration of justice as a civil governor. Doubtless, there were many persons to be met with daily, who would commit the crime of theft if they had the opportunity; but would it be just on that account to apprehend them and try them as felons? The principle of the law and of justice was, that unless they could be proved to be guilty, they must be treated as innocent. But there were other grounds, social and political, which were urged by the opponents of this measure as a bar to the admission of the Jews into Parliament. Their Lordships were told that they ought not to admit them, because their affections were set upon a land far distant from this —because they were incapable of social, or at all events national, attachments, and therefore, justly and properly deprived of the full privileges of citizens. He was afraid that there was much truth in this; but the question was, whether that was not attributable to the treatment which the Jews had received at the hands of this and other nations, rather than to any natural incapacity in the Jews themselves to feel the national sympathy which was felt by other people; and he thought that unless we could assert that, as a nation, we had taken no part in putting the Jews beyond the pale of society, it would be safer, fairer, and more just, to refrain from pressing that argument. There was one point which had not yet been touched upon in the present discussion, but upon which he wished to say a few words, because many contradictory statements and opinions had gone forth on the subject—he alluded to the state of public opinion in reference to this measure. He was not going to enter upon a consideration of the number or weight of the petitions which had been presented to that House; if he did, he believed that the result would not be unfavourable to the measure; but the best test of the state of public opinion on the subject was, he thought, to be found in a reference to that which took place on the occasion when, for the first time in the history of this country, a concession to the Jews was proposed. That took place nearly a century ago, when the Government of the day brought forward a Bill for the naturalisation of foreign Jews. The Bill was passed without exciting much notice; but no sooner had it become law, than such a cry of alarm and indigation was excited throughout the country, that the Duke of Newcastle, who was then at the head of the Government, felt it necessary on the very first day, he believed, of the next Session of Parliament to propose its repeal, and it was accordingly repealed. But what had happened now? The proposal now made was not that of a niggardly instalment of justice, but a proposal to admit them to the highest privilege of British citizens; and what was the result? The matter had been fully and deliberately discussed in the other House of Parliament; the measure had not been pressed forward with any undue haste; ample time had been given to the opponents of the measure to come forward with their objections; and what was the result? Within the last few days, it was true, a number of petitions had been presented to their Lordships against the Bill; but he was not at all sure that they were not counterbalanced by those which had been presented in favour of the measure; and as to public demonstration, meetings to address the Crown or the Government against the Bill—as to anything like that which was called popular agitation against the measure—their Lordships had not heard a word. What, then, was the explanation of this difference? It had been freely stated that Baron Rothschild owed his election for the city of London to the influence of his purse. He did not know whether that was so or not; but he thought that no man would be bold enough to assert that the influence of that purse would be sufficient to buy the silence or indifference of the whole community. Was there, then, a greater indifference to religion now than then? Had religion in general, or had the Established Church now, less hold upon the feelings of the people than it had a century ago? The direct reverse was the fact. The cause he believed to be this: with the increase of the population large classes of the community, differing from them in religious opinions, had sprung up into social and political importance; and that change had given rise to the question, whether it was just or wise to exclude any large class of the community from their fair share of interest in the councils of the State for their religious opinions only; and the conviction soon extended itself that such exclusion was neither politic nor just. The course of legislation during the last twenty years had had the effect of confirming that conviction, and of proving that religious tests might, with safety and advantage, be relaxed. That was the opinion not only of Dissenters, but it was the growing opinion of Churchmen themselves. All classes now agreed that truth had little to fear from comparison or competition with error; but that it had more to fear from reliance upon the support of accidental props and aids. If that, then, was the true explanation of the indifference with which this measure was received, it was a fair ground for the advocates of the measure to take, in pressing upon their Lordships to give to it their assent; and it had certainly had considerable weight in leading him to the conclusion that he was bound to support the Bill. He had nothing further to add, except to assure their Lordships that since he had had the honour of a seat in that House, he had never given a vote on any subject with a firmer conviction in its truth and justice than that which he should feel in giving his vote for the second reading of this Bill.

The ARCHBISHOP of CANTERBURY began by saying that if he had thought himself at liberty to follow the dictates of his own inclination, he should certainly have given a silent vote upon this question; but since he had been placed by Her Majesty in the most responsible position of the Church, he felt that he had lost the privilege of being silent upon such a subject, especially when he considered that the religious character of their Lordships' House and of the country was involved in it. He hoped, however, that he should express his sentiments with as much deference to the opinions of those who differed from him as was consistent with the honest expression of his own. Their Lordships were desired to remove the disabilities which precluded members of the Jewish persuasion from seats in the Legislature. It appeared to him that they laboured under disabilities which their Lordships could not remove, and which hindered them from taking part in the counsels of a Christian nation; because, by the very circumstance of their being members of the Jewish persuasion, upon the most important questions on which those counsels could be engaged, they could not give a free or unbiassed opinion. Could he admit to a voice in the Legislature persons who, if they acted on their principles—and he had a right to assume that they would—must raise their voice against those questions which were most important to the safety of the country and the interests of that Church which he (the Archbishop) and their Lordships were bound by all means to maintain? The member of the Jewish faith must, if he acted up to his principles, be as diametrically hostile to the Christian Church as their Lordships would be to the promotion of Mahometanism. The noble Marquess said that they would form but a small voice in the Legislature; but if some measure of vital importance to the religious interests of the country should be defeated by a small majority, of which these Jewish representatives were a part, how could he complain, if he had himself contributed to give them a place in the Legislation? Should he not be reaping as he had sown? His Grace proceeded: But it is argued, that this objection comes too late; that we have gone too far to stop—we have relieved the Dissenter from his disabilities—we have relieved the Roman Catholic—and, to be consistent, we must admit the Jew to equal privileges. My Lords, I deny the inference. We have relieved the Dissenter from his disabilities; but the Dissenter, though he will not uphold my form of church government, will not commonly quarrel with my creed; and in all matters where the general interests of Christianity are concerned, independently of form or discipline, I may count upon his support, and find him on my side.

We have relieved the Roman Catholic from his disabilities—I myself bore a part in that measure, and must give a similar vote if the question were to be raised again. I could not deny that a third part of Her Majesty's domestic subjects had a claim to a share in the representation. And I will acknowledge that if twenty-five or thirty in every hundred of our population belonged to the Jewish persuasion, a new element would be introduced into the question, which does not exist at present. But, my Lords, we are still within the pale of Christianity. We are not altogether a Church of England Legislature—we are not altogether a Protestant Legislature—but we are still a Christian Legislature; and so, with the assistance of your Lordships, I trust we shall remain. This would be a reason why I could not consistently with my conscience give a vote in favour of this Bill. But there is another reason which greatly weighs with me, and I hope will weigh seriously with your Lordships. The proposed measure (whatever may be supposed by the noble Lord who has just sat down) is contemplated with conscientious dislike and anxious dread by a large class of persons whom I cannot but regard as the most valuable members of the community, and who consider it as a sort of insult to the religion which they reverence and honour. We know that this is not intended; we know that the noble Person who first introduced the measure, and that other noble and honourable persons who support it, are incapable of supporting any measure which they believe to be injurious to Christianity. But the persons to whom I allude cannot enter into their views, and understand their arguments: they cannot make nice distinctions between questions viewed religiously, and questions viewed politically; and they believe that a measure of this sort goes to prove that in the opinion of the majority of the Legislature it is of little importance what a man believes or disbelieves. My Lords, it is very undesirable to give any grounds, whether just or no, for such an opinion; very undesirable to disgust the best members of society with the institutions of the country, or to encourage an opposite class in their indifference to all religion. And certainly there is some danger; for the arguments which claim admission into Parliament for the Jew do not rest there. The same argument which is pleaded in favour of Jewish legislation would scarcely exclude a Mahometan or a Hindoo, or any idolater whatever, whose residence in the land give him a claim to naturalisation, or whose wealth shall raise him to influence and distinction. If nothing else deterred us from this innovation, I think such an inference as this should prevent us from admitting the principle which leads to it, and determine us to reject the Bill.

The EARL of WINCHILSEA said, that he retained the warmest feelings of Christian charity towards the members of the Jewish persuasion; and if, by any sacrifice short of that which involved an abandonment of his faith, he could confer any benefit upon them, he would willingly make that sacrifice. Since the birth of Christ 1,800 years had elapsed, and still the Jews were beheld a miserable remnant of a people. They were a distinct, a peculiar people, bearing their nationality of character into every quarter of the world through which they were dispersed. They were the keepers and guardians of the Old Testament, which they were beheld carrying into every part of the world, the clearest evidence of the religion which they had rejected, and the strongest proof of the existence of that Saviour whom they had denied. They were still visited by the vengeance of Almighty God on account of their unbelief; and yet a Christian Legislature was now asked to abandon its own religious character for the sake of admitting the Jews to an equality of civil privileges. In his observations he was extremely anxious not to say a word which would be offensive to any member of the Jewish nation; but he opposed this Bill solely on religious grounds. He was bound to declare from the bottom of his heart, that after the most anxious consideration, he regarded this as the most unchristian measure which had been introduced into Parliament for a long series of years. He was compelled to allow that many of those Gentlemen with whom he had generally acted, and with whom he had been politically connected, had countenanced this measure; still he must state his opinion that it was a measure which did great violence to the religious feeling of the country, and offered a great insult to the honour and glory of the God whom he worshipped. But if those hon. Gentlemen had been told in their early days, when they first consented to abandon the religious principles upon which they originally stood, that they would live to see the day when they would be asked to agree to a measure like the present, for unchristianising the Legislature of the country, they would have rejected the suggestion with the utmost scorn and indignation; and the position in which they stood should be a warning to the young men of this country, ever to abide most rigidly by their religious principles, from the very earliest moment of their entrance upon political life. The noble Marquess had cited extracts from the Holy Scriptures. What did the noble Marquess think of this passage?—

> "Whosoever transgresseth, and abideth not in the doctrine of Christ, hath not God. He that abideth in the doctrine of Christ, he hath both the Father and the Son. If there come any unto you, and bring not this doctrine, receive him not into your house, neither bid him God speed, for he that biddeth him God speed, is partaker of his evil deeds."

These were the words of the Almighty, written in his revealed word for their instruction; and were there any of the right rev. Prelates who would say that they were not applicable to the present case? But, then, it was said, what harm could be done by the admission of a few Jews? Now, the answer to that was, that their admission involved a principle which must be equally applied whether the parties were many or few. If justice required the admission of a single Jew, he was just as much entitled to it as if there were 100,000. If, on the other hand, they could not admit them without sacrificing their Christianity, then they must stand by that, remembering who it was that had said, "The nation that honoured Him, He would honour;" and he would appeal to the right rev. Prelates opposite in what way could reverence for Him be shown better than by upholding Christianity—that religion which He came down from Heaven to propagate? This question was solely a religious one; it could be no other than a religious one. He objected to the present Motion more than he formerly objected to the admission of the Roman Catholics to legislate for a Protestant Church. He objected to the Roman Catholics because he felt and believed that Protestantism was the bulwark of our country; that it had, through God's blessed name, been the foundation of our civil and religious liberty. Could they look at what was now going on in the world, without being compelled to see that it was not by their own talents or their own power that they now stood firm? It was Christianity which had done it, and that Christianity they were now asked to give up. He was satisfied of this, that England would soon be swept lower than any other nation on the face of the earth. The noble Marquess had told them that they had already admitted the Jews into many privileges, and that it was therefore absurd to deny them what was now asked. They were members of municipal corporations it was true, and they might be sheriffs of counties; but there was a wide difference between a man who administered the law, and a man who made the law. Yet this distinction they were now called upon to give up, for the sake, as it was said, of admitting 80,000 Jews to the right of sitting in Parliament, or rather for the purpose of admitting one Jew to sit in their Lordships' House, for that was the real question—that was to be the reward given to one of the Jews for services rendered to the Ministry of the day, and particularly for services rendered to the illustrious individual who was at the head of it. But it was said the people were indifferent to this measure, and that their indifference was shown by the few petitions against it which were laid on their Lordships' table. But he must state that after the contempt with which the petitions of two millions of the people of England against the grant to Maynooth College were treated, they did not petition again. His advice to all who asked his opinion was, that, in the present state of the representation, neither House of Parliament would treat the petitions of the people with respect. He hoped this House would not pass the present Bill; if they did, depend upon it they would do much to shake the respect entertained for them by the people of England; and he was perfectly certain of this, that, if the right rev. Prelates voted for such a measure, within a year they would not have seats in that House. He said this as a real and sincere friend to the bench of Bishops. He would conclude by reminding the House of the words of Holy Writ:—

> "When your flocks and your herds, and your gold and your silver, and all that ye have are multiplied, and ye begin to say in your heart, Aha, my might and my arm hath gotten me all this, shall ye live? Ye shall surely perish, saith the Lord."

The DUKE of ARGYLL said, he was anxious, in a few words, to explain the vote which he was about to give; and if, on the first occasion on which he had ever had the honour of addressing their Lordships' House, it was on a subject of great interest and of great difficulty—a subject which had peculiarly divided the opinions, and still more the feelings, of wise and good men—he trusted the House would accept it as an additional claim on that courtesy and indulgence which their Lordships were ever so ready to extend to those who addressed them for the first time. And there was another claim which he was not ashamed to prefer. He was not ashamed to confess that, in considering this subject, and his own duty in regard to it, he had experienced some painful difficulty and doubt. After the best consideration, however, which he had been able to bestow, he had come to the resolution to vote for the second reading of this Bill. He should do so, at the same time, with feelings and opinions materially different from those which had been stated and expressed—not indeed so much in their Lordships' House, as in other places—by the advocates of the Jews. The noble Lord at the head of Her Majesty's Government was reported to have said in another place, that he congratulated the country and the assembly he was then addressing, that not a few of the arguments formerly advanced by the opponents of this measure, had been abandoned during the course of the discussion. At a humble distance he would follow the example of the noble Lord, and he would congratulate the House and the country that not a few of the arguments advanced by the supporters of this measure, had been also abandoned during the discussion. They had not heard during the course of that debate—they had not heard from the noble Marquess opposite—any argument founded on the position that Christianity had no more to do with their legislation than it had with "cobbling." Yet such was the argument used—not in the heat of debate, but in a grave and studied essay—by a Gentleman who was then, he believed, a Member of Her Majesty's Government, the right hon. Gentleman the late Member for Edinburgh. For the great talents, the great attainments, and great eloquence of that right hon. Gentleman, no man had a greater respect than he had; and he only alluded to this point then, for the purpose of distinctly declaring that the principle that Christianity had nothing to do with legislation, formed no part whatever of the grounds on which he was prepared to support the measure before the House. But on the other hand there were many of the arguments adduced against this Bill, which formed no part of the difficulty and doubt with which he had had to contend. The noble Earl (the Earl of Ellenborough) who spoke second in that debate, and whose address seemed to produce so lively an impression on a portion, at least, of their Lordships' House, had said that the Jews were a "nation within a nation," implying, as he understood, that they were of the nature of aliens—aliens in their habits, their opinions, and their affections. The noble Viscount who had spoken from the bench below him, had argued that if the Jews were aliens, it was not so much their fault as ours; and he would appeal to the House whether there was not much force in this reply of the noble Viscount. For hundreds of years the Jews had been persecuted and oppressed—prevented from holding landed property, and from engaging in other pursuits open to the industry of other classes of the subjects of the Crown. But in point of law he did not believe the Jews were aliens; and whatever might be the truth of this position in other points of view, if there was no other objection against the Bill than that the Jews were foreigners in such a degree as to be incapable of representing the people of this country, he saw no reason why the Legislature should interpose to prevent constituencies from judging for themselves in respect to this. This was an argument which had had, he confessed, considerable effect on his own mind. It might be true in some senses, that the Jews were aliens; and it might be true, that in the fulfilment of prophecy they would be still more aliens than they had ever been before — God grant it might be soon!—but so long as they continued to live in this country, he saw no necessity for the Legislature refusing to allow constituencies to judge of their fitness to represent them in Parliament, although he by no means meant to argue that Jews ought to be so chosen. Then there was another argument which had been used by the most rev. Prelate who had spoken a short time before. He said, that he could not feel it to be consistent with his duty to admit to Parliament those who would be hostile to the institutions of that Church over which he so eminently presided. Now he would ask the most rev. Prelate, whether it was reasonable to anticipate from Jews one-tenth part of the hostility against our ecclesiastical institutions which was known to be entertained by Christian Dissenters? And if the fear of danger to those institutions, arising out of that hostility, had not prevented Parliament from freely admitting those Dissenters, he could not see that this fear was any adequate ground for the exclusion of the Jew. In truth, there was but one argument of any value or force whatever, against the Jews—the religious objection; and on this the noble Earl who spoke second in the debate, had almost entirely relied. It was said, that Christianity was part and parcel of the law of the land, and that it was an anomaly, if not a shame, that those who were not Christians should represent men who were. Now, he confessed that the very vague and nominal Christianity which such methods of exclusion could alone preserve, was not in his eyes of the highest value. There were other and wider fields on which they could exercise their endeavours to preserve and to improve the Christianity of the Legislature. He asked them whether it was not the divisions among themselves—between Christian and Christian—which banished from the public discussions of Parliament every argument, every topic, peculiarly connected with religion. He hoped their Lordships would do him the justice to believe that he had not risen, on this occasion, with the idea that any arguments which he might use would influence their Lordships' House, or the vote of any Member in it. But he would most sincerely say, that if they could not separate their votes from the principle that Christianity had nothing to do with the legislation of this country, then he did not wish, he could not wish, that one Member of their Lordships' House should vote in favour of this Bill. But there was, as he had said, a long and wide field in which they might use their best endeavours to preserve the Christianity of the country; and he felt that this measure would be no impediment to those exertions. He had now only to thank their Lordships for the kind and courteous indulgence which they had extended towards him.

The Bishop of ST. DAVID'S*: My Lords; If I should seem to have shown too strong a desire to take precedence in the debate over the noble Earl (the Earl of Winchilsea), who in every other respect is so fully entitled to it, I am sure that your Lordships will have done me the justice to attribute this apparent forwardness to the true motive. As I had reason to believe that the noble Earl was about to take the same side of the question with the most rev. Prelate, I thought it might be more convenient, both for your Lordships and for the noble Earl himself, if he had an opportunity of answering a few arguments which I shall have to offer on the opposite side of the question. But I do not at all regret that I gave way to the noble Earl. I am glad that I had not spoken before I had listened to the denunciations which he has thought proper to pour forth. It has been my fate, on a former occasion, to accept a similar challenge thrown out by the noble Earl, and I shall not now shrink from a like course. I am not blind to the dangers with which we have been threatened by the noble Earl; and I do not know to what extent it may be in his power to verify his own predictions. But I can only say, in the language of an infinitely greater man, on a far more momentous occasion, "The Lord's will be done; I must do my duty." My Lords, I should have felt it necessary to say a few words on the subject of this debate, if it had been only for the sake of a single remark; and it is this: Though the vote I am about to give will be in perfect harmony with that which I gave several years ago when a similar question was brought under your Lordships' deliberation; and though I have never looked back upon that vote—which happened to be the first I had the honour of giving in your Lordships' House—with any feeling bordering upon regret, still I wish it to be understood that I do not consider myself as bound in the slightest degree by the course which I then felt it my duty to pursue. As on that occasion I did not conceive that by the vote I then gave, I was pledging myself to take a step farther in the same direction; so now I conceive that I might, without any breach of consistency, have adopted a different conclusion from that at which I have actually arrived. And the same is probably the case with many of your Lordships. And as your Lordships are unfettered in this respect, so it gives me pleasure to think that you are under no external pressure or bias, to prevent you from exercising your judgment upon this question with perfect freedom. I rejoice that the sense of the country, so far as it has been expressed by the petitions which have been laid on the table of your Lordships' House, has been expressed in such a manner as to remove all possibility of an appeal to any motives foreign to your own convictions. I am aware that this has been treated by some of the adversaries of this measure as a ground of hope; but with the view which I take of the subject, I cannot permit myself to consider it as a just cause for fear. But I must confess that I do not feel quite so sure that your Lordships are equally free from every other kind of bias. It has been asserted—as I think, very rashly and groundlessly, but, at all events, without a possibility of verifying the assertion—that the present measure proceeded from indifference to religion in those who proposed and sanctioned it. As to that I will only say, that if such was the case, we should be led to some singular results. Looking at the petitions which have emanated from various quarters on both sides of the question, we should be obliged to conclude that the spirit of religion was very unequally diffused over the surface of the land: that it was at boiling heat in one congregation, and at freezing point in another in the same neighbourhood. I must confess, my Lords, I have no confidence in the indications of such a religious thermometer as this. But I am not hazarding a mere surmise, or a rash or ungrounded assertion, when I say that the class of persons for whose relief this measure is proposed, have not yet ceased to be the objects of a very general, hereditary, unreasoning prejudice, aversion, and contempt. Looking at the history of past times, I think it is morally impossible that this should not have been the case. Looking at the persecution and oppression which that people suffered in past ages, I hold it to be absolutely certain that, although that state of things has passed away, it must have left deep traces in the habits and modes of thinking prevailing among the people of this country. Now, my Lords, I do not presume to say that any of your Lordships are under the influence of such a prejudice. All I will venture to say, is, that if such be the case—if none of your Lordships are, or ever have been, affected by such a feeling—then I must acknowledge that I am the most prejudiced and the most bigoted person in your Lordship's House, for I must own that I have experienced it, and that I have had some difficulty in resisting it. But it is one which I have felt it to be my duty to resist, and which I should have been sorry to have allowed to have any weight, so as to overpower my conviction in favour of the conclusion I have come to. My Lords, I have made this remark, not so much for its own sake, as by way of introducing one of much greater importance, for which I would bespeak your Lordships' indulgent attention. For, ample as is the discussion which this subject has undergone, much as it has been debated in print and speech, I have not observed that any notice has been taken of the point I am now about to propose for your consideration.

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* From a corrected Report.

It has been constantly assumed, and hitherto without contradiction, that it belongs to the very essence of the Jewish religion to inspire feelings of the utmost aversion and abhorrence towards that Person, who to us as Christians is the object of supreme love and veneration. This opinion, your Lordships will recollect, was the main point put forward in the petition presented by the noble Earl opposite (the Earl of Galloway) from the General Assembly of the Church of Scotland; and it has furnished the strongest argument upon which the adversaries of the measure have founded their opposition to it. It was adverted to by the most rev. Prelate, and it was urged by the most rev. Prelate's lamented predecessor, as the main ground on which he felt it impossible to consent to any such measure as that which is now proposed. Now, my Lords, I may seem to be advancing a paradox, but I am stating my earnest and sincere opinion, when I express my belief that there is no adequate foundation for that assertion. I say no adequate foundation, for I do not mean to say that it has absolutely no foundation at all. As a matter of fact, I am ready to admit, that such bitter feelings may and probably do exist, and even prevail extensively, among persons of the Jewish persuasion. But then I wish to call your Lordships' attention to a most important distinction. The question which I would beg your Lordships to put yourselves is, whether this feeling, or this doctrine, is essentially connected with the Jewish religion, or not; whether it is of the essence of that religion, or only an accident which might be separated from it, so that the one might exist, and probably has existed, and does exist, without the other. I will state some of the reasons which strongly incline my own mind in favour of the latter view of the subject. Let it be supposed for a moment that this was the true view, and that there was no necessary connexion between the Jewish creed and that feeling of bitter hostility towards our Saviour. Still the actual prevalence of such a feeling, if it does prevail, might most easily be accounted for. It would be nothing more than the natural and inevitable consequence of those long ages, first of fierce controversy, and then of oppression and persecution, through which it has been the lot of the Jewish people to pass. However foreign such an opinion may originally have been to their religion, it was next to impossible that under such circumstances it should not have grown up and clung to it. Then if it were inquired, upon what ground such feelings are attributed to the Jews as something essential to their orthodox theology; I know of none but this—that they deny the claim which that Divine Person put forward with regard to his own character and office. But where, in this respect, is the difference between the case of the Jew and the Unitarian? Is it not equally true of the Unitarian that he denies that which we conceive to be, according to the plain sense of Scripture, the undoubted assertion of that Divine Person with regard to his own character and mission? And yet we know that the Unitarian is so far from regarding Him with any feeling of such a nature as that which on this ground we impute to the Jew, that he looks upon Him with a veneration similar in kind, if not equal in degree, to our own. I do not wish to be understood to deny that there is in other respects a very great difference between the Jew and the Unitarian; all that I am concerned to maintain is, that in this respect, which is the main ground on which the privilege which has been granted to the one has been withheld from the other, they stand upon the same footing. Still I am aware that these arguments may appear to be rather of a negative than a positive nature, and to rest rather upon conjecture than on evidence of the fact; and therefore I proceed to another consideration, which has weighed most with my own mind, and was what first led me to doubt the truth of the assertion to which I have referred. And this is, that I find a Jewish historian speaking of our blessed Lord, not in terms of the slightest disrespect, but describing him as a teacher of a pure morality, and as the victim of a cabal and a popular outcry, raised by the influence of the Jewish priests and rulers, and as condemned by them to an unjust punishment. I find a Jewish philosopher who was most devoutly attached to the principles of his faith, representing Him as one who asserted the claims of a spiritual religion, in opposition to the hypocrisy and formality which prevailed in high places in his time. I find the same philosopher assuming the possibility that a Jew might become a Christian, and arguing that he would still remain bound as much as ever by the Mosaic law. From all this I think I am justified in drawing the inference, that feelings of aversion and abhorrence toward our blessed Redeemer are not universal among the Jewish people, and that Jews who strenuously uphold their own creed may nevertheless regard Christianity without bitterness and hatred; and I would remind your Lordships that there are differences of opinion on religious matters among the Jews as among ourselves.

I have perhaps dwelt too long on this part of the question; but I considered it as one of so much importance as to deserve your Lordships' special attention. If I have fallen into error on this point, I have no doubt that I shall be followed by those who are able to correct it. Fortunately, however, the present question does not depend on the correctness or incorrectness of the opinion I have ventured to propose. Indeed, had it not been for the discussion which the question has undergone, and the variety of arguments which have been raised upon it, I should have thought it one of the simplest and plainest that could have been brought before you. The measure now proposed is one of a remedial and relieving character. It is a measure for the removal of disabilities under which a certain class of Her Majesty's subjects are labouring. It is therefore one of a kind which is at all times entitled to your Lordships' favour; and, if you are called upon to reject it, I apprehend it must be on some very plain, clear, and solid grounds. You will not be contented with any fine airy speculations, which we know may easily be invested with a show of substance and solidity by ingenious sophistry and eloquent declamation. This your Lordships would feel in any case. But the present measure comes before you under very peculiar circumstances. As we have already been reminded, a great constituency has made choice of a representative from among the Jewish persuasion; and the House of Commons has declared its willingness to remove the only bar which prevents that choice from being ratified and carried into effect. It now remains, therefore, for your Lordships to say whether you will tell that great constituency that they shall not have the representative of their choice, and whether you will tell the House of Commons that they shall not have the Member whom they desire to see among them. Being called upon to do that, I conceive that it behoves your Lordships to be quite sure that there are some strong substantial grounds of public expediency which require you to reject such a measure as this, or some clear inconvenience or danger which you would incur by adopting it. For my own part, the more I inquire what the danger or inconvenience is, the more I am at a loss to discover it. We have been told, indeed, that this measure is inconsistent with the safety of Christianity, and that it will be dangerous, and possibly ruinous, to the interests of the Church. Now, when your Lordships are desired to reject this measure as injurious to Christianity, I should be glad to know wherein the danger with which it is supposed to threaten the welfare of Christianity consists. Is it that it belongs to the functions of the Legislature to regulate the doctrines or to guide the destinies of the Christian religion? Or is it that there is ground to apprehend that, through the new influence which this measure may be the means of introducing into the Legislature, Christianity may come to be persecuted and proscribed? I need only mention such a notion for your Lordships at once to repudiate it as utterly absurd; and I cannot conceive how any one can have seriously entertained it. But it has been intimated that the effect of this measure may be to expose Christianity to the danger, though not of any serious injury, yet of insult and dishonour: as if it was likely that the persons who may, through the operation of this Bill, be introduced into the other House of Parliament, would be so forgetful of the common decencies of life, so indifferent to the feelings of those among whom they sat, and also, I beg your Lordships to observe, to the feelings of the constituencies whom they would represent, and therefore so unmindful of their own interests, as to be willing, when opportunity served, to offer an insult to the Christian religion. There is indeed another kind of danger which has been represented as likely to arise from this measure—that we may be exposing ourselves to the Divine displeasure by such a mark of respect for a people whom the noble Earl opposite (the Earl of Winchilsea) would have your Lordships consider as only fit to remain as a monument of Divine wrath. My Lords, I am very loth to touch upon this topic, lest the feelings with which I regard it as an argument, should by possibility appear to be transferred to the sacred subject to which it relates; and I will only venture to observe, that if there is any reason to dread that the Divine vengeance may be impending over us, it would be rather on account of the crimes of which this nation was guilty towards the ancestors of this people in times past, than of any indulgence which we may show to them in future. At all events, I am sure, that by our conduct in times past, a heavy debt of guilt was incurred, and I am by no means so sure that it has ever been duly acquitted. Then as to the dangers with which this measure has been supposed to threaten the Church of England, I may dismiss that part of the subject with a single remark. It is true that although it does not belong to the Legislature to deal with Christianity as a spiritual religion, it has to deal with the temporal interests and the social relations of the professors of that religion; and though a Jew, when admitted to be a Member of Parliament, would not have a voice on any subject really affecting the interests of Christianity, he certainly might be called upon to vote on questions of very great importance to the interests of the Church of England. But the question is, not whether there is any anomaly, or incongruity, or danger, in that, but whether any new danger is introduced by this Bill which did not exist before and without it. And as to this, I entirely concur with the noble Duke (the Duke of Argyll), to whose speech we have listened with so much pleasure. I must say, that if any question affecting the interests of the Church of England is to be discussed in the other House of Parliament, I, for one, should greatly prefer that it should be submitted to the decision of a Jew, rather than to that of a Dissenter. I do not mean by this to imply the slightest disrespect towards any Dissenting body which may have one of its members seated in the House of Commons; but, on the common principles of human nature, I conceive that a Dissenter must be subject to a much stronger bias on such questions, and must be much more hostilely disposed towards the Church of England, than a Jew can possibly be.

My Lords, I shall not dwell any longer on the question of expediency, the rather as I have scarcely ever seen a pamphlet on the subject—and I have read a great many, especially on the opposite side of the question—or a speech, in which it was not stated that this is not so much a question of expediency as of principle. I readily admit that it is a question of principle; and I am the last man in the world to undervalue the importance of principle. But if I am to estimate the value of principle by the kind of arguments to which that name has been given, in the discussion of this measure, I should be inclined to suppose that by principle was meant something opposed to facts and experience. If this is so—if principle is a thing of such a nature that the more you shut your eyes on the real circumstances of the case, the firmer the grasp by which you lay hold on principle—then I must admit that the weight of principle lies all on the other side of the question. But, my Lords, I cannot attribute the dignity of a principle to any of the arguments which I have seen adduced in opposition to this measure. With the utmost respect for the persons who have used them, I cannot consider them as anything more than a tissue of sophisms and fallacies which have already been so ably exposed, that I am almost ashamed to advert to them again. Some of them have been already repeated in the course of the present debate; and I have no doubt that, as it proceeds, your Lordships will hear a great many more. One of those arguments, which has been produced in a great variety of forms, is, that this measure tends to unchristianise the Legislature. How often has this objection been confuted by the simple observation, that the Legislature, after this measure shall have been passed, and shall have been carried into actual operation, will remain Christian, exactly in the same sense, and precisely in the same proportion, as the country itself is Christian! Your Lordships are not now, for the first time, about to unchristianise the country. That was done some two hundred years ago. It was done when the Jewish element was introduced into the population of this country. And I would beg your Lordships to recollect by whom that was done. Perhaps I may be permitted to mention an anecdote which occurs in a book with which it is possible that some of your Lordships may not be familiar. It is related in Spence's *Anecdotes of Books and Men,* and it rests on the authority of an eyewitness, Sir Paul Rycaut, who was present at a conference which took place at Whitehall, between the Protector and a body of the clergy of London, whom he had called together to deliberate on the question, whether the Jews should be permitted to build a synagogue in London. I have an extract with me, but your Lordships will probably be satisfied with the substance. It is stated that on that occasion the clergy inveighed against the Jews, as a cruel and cursed race. The Protector did not deny it; but he asked them, in the first place, whether they did not hold the belief that the Jews were one day to be brought within the pale of the Christian Church? and next, whether they did not think that it was the duty of every Christian to promote so desirable an end by all the means in his power? The clergy, it may easily be supposed, answered both these questions in the affirmative; and then he proceeded to ask, if there was not a greater likelihood of such an object being attained if the Jews were brought into a country where they would have the advantage of seeing the Christian religion professed and practised in its purest form, than if they were suffered to remain in other countries, where it was disfigured by numberless corruptions? It is added, that this silenced the clergy. Now, I do not expect that it will have the same effect at this day with the opponents of this measure, nor have I quoted the anecdote with any such view; but I wished to point out to your Lordships, how little it could have entered into the mind of that great man, that in the measure which he was then desirous of introducing, though he must have known that he was about to settle in this country a body of persons who would remain to all time a constituent portion of its population, he was taking a step which would have the effect of unchristianising the country. Perhaps it may be said — But what would Cromwell have thought, if it had been proposed to admit Jews into the Legislature? My Lords, I answer, that he never thought of that at all. Considering the difficulty which Cromwell found in persuading the clergy, and it may be added, the merchants also, to consent to what he then proposed in favour of the Jews, it was morally impossible that the idea of their admission into the Legislature could have entered into his mind. That was a question which he left for posterity to solve.

But there is another point of view in which this argument has sometimes been brought forward. It has been said, that when we admit into the Legislature persons who profess a different religion from our own, we are parting with the only security we possess for the conscientious discharge of the duties of a legislator. It is admitted, that there can be no such security without a sense of religion; and it is assumed, that religious principles must be wanting in the Jew. Now, I wish your Lordships to see what is the real point involved in that multiplicity of phrases in which this argument has been wrapt up. Nobody disputes the importance of a sense of religion in a Member of the Legislature; nobody denies the influence of religion upon a man's views of morality, and consequently upon his practice. I readily admit, not only that the professor of one religion will differ in most important particulars, as to his moral sentiments, from the professor of another; I even go further, and say that, within the circle of Christianity itself, religious differences — as those of Catholic and Protestant—will give a distinctive tinge and shape to a man's notions of morality. But still it is clear that, after all, there remains a large common ground, on which it would be an absurd refinement to pretend that there is any difference between them in their sense of right and wrong. Is it possible to contend that a conscientious Jew would be prevented by his peculiar feelings of religion from doing his duty to the public in the capacity of a legislator? Do any of your Lordships consider it possible to draw such a refined distinction as to say that you could trace in the vote that a man would give upon any great public question, the effects of his particular views of religion? I will only say, that I shall be content if your Lordships will only suspend your assent to such a proposition as that, until you are sure that you thoroughly understand it.

Another objection equally fallacious and sophistical, which has been brought against this measure, is that it is an innovation upon the constitution, because Christianity is part and parcel of the constitution. But I would ask, What kind of Christianity is that in which this part and parcel consists? And what is that principle of the constitution to which this measure is opposed? I freely admit that the old principle of the constitution was one of absolute exclusiveness. It proscribed and excluded from all places of trust and authority, not only Jews, Turks, and infidels, but heretics and schismatics. It was only at a late period that this principle has been relaxed. But the innovation took place when that relaxation was admitted, and the principle which this Bill is said to oppose ceased, to form part of the British constitution. The principle has been gradually relaxed, and at length absolutely discarded. It is, therefore, not consistent with the real state of the case to represent this measure as an innovation on the constitution; on the contrary, if there is one thing which had been more clearly proved than another on this question, it is that the barrier which new happens to impede the admission of Jews into the Legislature, is the mere creature of accident—that it was not raised by the Legislature for that purpose, but for one totally different—and it now remains for your Lordships to decide whether it shall have an effect which it was never intended to produce. And, therefore, if your Lordships should reject this measure, it will be you who will be making an innovation upon the constitution, and introducing a principle which does not now exist in it. The principle of this measure is in perfect harmony with the most essential principle of the constitution. It is an indication of that elastic vigour, flexibility, and expansiveness, which are its glory and its strength. And it is to this very quality —by virtue of which the constitution is not a thing which must be broken to pieces before it will admit of any change—that this country is indebted for the immunity which it enjoys, and, I hope, notwithstanding the denunciations of the noble Earl, will long continue to enjoy, from those convulsions by which elsewhere society has been shaken to its centre.

There is still another branch of the subject on which I wish to offer a few remarks before I sit down, more especially as it is one on which I happen to find myself opposed to a person for whose opinions I entertain the highest respect—I mean the nationality of the Jews. It has been contended that the Jew is essentially an alien, and, consequently, disqualified for a participation in the privileges enjoyed by other subjects in this country. This opinion is strongly asserted in the writings of Dr. Arnold, the author to whom I have just alluded. It is there maintained that a Jew has no more right to take a part in legislation for the people of this country, than a lodger has to interfere in the management of a house in which he happens to live. Perhaps I might except to the illustration; for cases may be conceived in which a lodger would have a right to interfere in the affairs of the house in which he lodged, according to the interest he might have in it. But the justice of the comparison is a point of little importance. There are other and stronger grounds on which I am obliged here to dissent from Dr. Arnold. In the first place, his opinion was evidently formed on the analogy of the Greek and Roman States, rather than on the existing circumstances of this country. In the history of those States he found a class which seemed to correspond to the condition of the Jews; and thus he was naturally led to adopt the views taken by the ancient writers of the position and relations of that class, and to apply them to the case of the Jews. But there was another cause which operated still more strongly on the mind of Dr. Arnold to give this direction to his opinions, and it is one which I think should prevent your Lordships from being much swayed by his authority on this question. Your Lordships are probably aware of the extreme opinions held by Dr. Arnold on the identity of Church and State. The admission of Jews to the Legislature appeared to him entirely irreconcilable with his favourite theory, and he was, consequently, strongly opposed to it. This I believe to be the ground to which his opinions on the subject may be most distinctly traced. And not only did they spring from a theory which few of your Lordships will be inclined to adopt, but they are carried to a length to which you would hardly be prepared to go along with him; for, in his opinion, it would not be inconsistent with justice or humanity, if the Government of this country should think proper to transport all the Jews settled among us—as was done with the Moriscos in Spain—to some other region. I do not know, if such a maxim was generally admitted, where this unhappy race would find a resting place for the soles of their feet, on the surface of the globe. But I think your Lordships will allow that an opinion derived from such an origin, and leading to such consequences, is not entitled to all the weight which would otherwise belong to that great and venerated name.

But this objection has been pushed still farther. It has been said, that the Jew is not only an alien by descent, but that he is incapable of those ties by which the feelings and interests of Englishmen are bound up with the prosperity of their country. It is alleged that here he must always feel as in a foreign land: that his heart must be in the birthplace of his religion, in Palestine. Now, there is so far a foundation in fact for this opinion, that the Jewish religion is a religion of hope. It encourages the Jews to look forward to a period more or less remote, when he shall be restored to the land of his forefathers. But, I must own, I cannot understand why on this account he should in the meanwhile be less attached to the interests of his adopted country, or should less faithfully discharge his social duties, than any other citizen.

Then it has been contended that no truly religious Jew can feel any desire for the object of this measure. It is asserted that the Jews, as a body, are indifferent to it, and do not regard it as a boon. There may be some truth in this; but in no other sense than a similar remark would apply to many bodies of Christians. For many such there are who consider the Apostle's language, "Here have we no continuing city, but we seek one to come," as still applicable to their own circumstances, and who are prevented by their religious scruples from taking an active part in public life.

But, on the whole of this subject, I would observe, that the argument from nationality reduces itself to the question of religion. It is clear that nothing but the difference of religion has prevented the fusion of races from taking place in the case of the Jews, as in that of the refugees who settled in this country after the Edict of Nantes. Take away the religious difference, and there would be no more reason for treating the Jews as aliens, than any of the other races which compose the elements of our mixed population. The people among whom I habitually reside is separated from us by as great a difference, and one not only of blood, but of language; and in both respects feels itself to be more closely connected with its brethren on the other side of the Channel, than with its fellow-citizens to the east of Offa's Dyke. But this has not prevented them from being admitted to share all the benefits of the British constitution; and, I believe, that nowhere in the kingdom are there to be found more loyal subjects.

My Lords, I am too thankful for the degree of attention with which your Lordships have listened to me, to trespass any longer on your time. The interest I feel in the subject has led me, perhaps, to dwell upon it at an excessive length. But I cannot say that I look forward to the result of this discussion with any great anxiety. I am a believer in the force of truth, in the power of justice, and in the ultimate triumph of Christianity; and I am firmly convinced that by passing this measure, as you will be consulting the interests of justice, so you will not be impairing those of the Christian faith—that you will not be retarding, but rather hastening, the period of its final triumph. I believe that by giving your assent to this Bill, you will be hastening the approach of the time when the veil shall be taken away from the eyes of the people for whose relief it is designed; because I believe that every exclusion by which they are deprived of the rights enjoyed by their fellow-subjects, lays an additional fold to the veil which prevents them from discerning the truth. I am persuaded that by such means you are weakening the strength and degrading the dignity of Christianity. You are depriving it of its most essential character; you are robbing it of its brightest attributes; you are identifying it with invidious and irritating distinctions, and preventing it from accomplishing its great mission—that of promoting the glory of God by diffusing peace and good-will among men.

The BISHOP of OXFORD said, that, in rising to address their Lordships upon this important subject, he felt, in common with many others who, like him, were about to vote against the progress of this Bill, that he was put in somewhat of an invidious position, in being made to assume something of the appearance of refusing to his fellow-citizens a right to which it was assumed they were entitled. This had been assumed by every one of their Lordships who had addressed the House in favour of the Bill. The noble Viscount (Viscount Canning) who supported the second reading, spoke of the exclusion of the Jews from Parliament as a "political injustice." The noble Marquess, also, who moved the second reading of the Bill, told their Lordships that he moved it as a right to which that portion of Her Majesty's subjects were entitled. There was something painful in even seeming to stand in the way of any rights belonging to any one of Her Majesty's subjects; but there was something more than this in the question under consideration. If the Jews had a right to be admitted into Parliament, he should be prepared to do right, and, without regard to ulterior consequences, to throw them at once to the winds. But he contended that they had no such right. He thought this point a most important one in the discussion; for he believed that the assertion of this right was the assertion of a principle which, if carried out, must be fatal to the constitution of this kingdom. No rights were better understood and defined, not only in this country, but under the Roman empire, than the *jus civitatis*, the *jus suffragii*, and the *jus petitionis*. To the former two of these rights the Jews were fairly entitled; but the *jus petitionis*, which was the right of admission to office, was, strictly speaking, no right at all. It was a right given to one set of persons for the benefit of all, and was not conferred for the benefit of the receiver in particular. Now, to speak of the Jew—by being a worthy member of society—obtaining a right to sit in those Houses, seemed to imply that the right was one conferred for the benefit of the person on whom it was conferred, and not one intended for the benefit of the public. The supposition that the having a seat in that House was a right belonging to those who enjoyed it, was one conceived in the very essence of Chartism; for if a share in the legislation was a great boon to the party on whom it was conferred alone, did not their position become untenable in justice when they withheld from others a privilege which was the right of the privileged class alone, instead of being, as he conceived it to be, a trust to be administered for the benefit of all? Now, this seemed to him to show clearly that no man, or set of men, could say that they had a right to sit in Parliament. A seat in the Legislature was given as a trust to those whom the nation at large believed would exercise it best for the interests, not of themselves alone, but of the community at large. This was the reason why the Legislature had hitherto said, and why in future it should say, that, admitting it to be a trust, they could not permit that trust to be held by persons of the Jewish religion. And here, by the way, he might remark, in reference to an argument of his right rev. Brother who had preceded him (the Bishop of St. David's), that the nationality of the Jewish people did, in point of fact, prevent them from having such a trust entrusted to them. His right rev. Brother had dwelt strongly on this part of the case; but he (the Bishop of Oxford) would prove to him that there was nothing in his argument. One remark of his right rev. Brother had filled him with the most unfeigned astonishment. He had stated that it was not at all the race of the Jews that made them another people, but that it was their religion that had that effect. Why, that was the very point of their argument. Their argument was, that the Jew must be a member of another nation if he be a conscientious Jew, and that the difference between him and other British subjects was not one that a few generations could obliterate, after which the new stream would become blended with the old stream, so that no one could see any difference between them. They held that the Jew had a faith whose chief requirement was, that he was not to blend with other people—that in the midst of them he must remember the practices of his faith, and preserve himself from any contact with them, even in the midst of his daily mingling among them. He would not ask their Lordships to rely upon his mere assertion that this was the case; but he would refer, for the purpose of showing that the Jews did consider themselves a distinct nation, to a work written by Mr. Joshua Van Oven, called *A Manual of Judaism, in a Conversation between a Rabbi and his Pupil.* And here he would observe, that the opinions of men with respect to their religious doctrines and tenets were to be received with more or less weight, just as it was perceived that their opinions were delivered without bias, and without any great object in view. He thought that their Lordships would only need to be reminded of those examinations which were taken before Parliament, when another great question, something like the present, was in agitation, to be satisfied that a correct insight into the fundamental tenets of religious belief was more likely to be attained when no great object was in view, rather than in a period of excitement. Mr. Van Oven said, that the preparation of a certain kind of food was commanded for a certain kind of nation, which to this day prevented too easy a connexion between them and persons of a different faith. The country had been told that the German Jew was a German, and not a Jew, and that an English Jew was an Englishman. But what became of this argument when those who put it forward said that the admission of Jews into the Parliament of England would probably put a stop to the persecution of the Jews in other countries? It would appear, therefore, that even in the minds of those who advocated the present measure, the Jews of all countries formed a part of the Jewish nation. He should show that this was certainly the view which the Jews themselves took of their own position. Mr. Van Oven, speaking of one of the great observances of the Jewish faith, said, "Such is the observance of one day by the whole nation throughout the civilised world." There was another passage to the same effect in a work written by Rabbi Krule. That learned person, addressing himself to a friend in England, said, "You are no Englishman, though born in England; you are a Jew." Again, he said, "Suppose your Bill is passed, you will soon say, 'London is our Jerusalem, and England our land of Canaan; we have no need now of another Jerusalem, or of another land of Canaan.'" What greater proof did the House need that the Jews were a nation within a nation? The people of this country must certainly either believe this, and that they would admit persons into the Legislature who in their hearts did not recognise an allegiance to the land of their birth, or else that they would admit infidels under the name of Jews, wearing the shell of a religion of which they had abandoned the reality. Now, if they admitted this, the argument as to the right of the Jew fell to the ground; for the right could only exist on the supposition that he was a member of this nation — even taking the term in its lowest sense, that of simple eligibility. He did not wish to bring any arguments forward unfavourable to the great interests of that nation, but the question was one of too much importance to allow of such feelings to influence him too far. He thought that the objections to the Bill were not entirely theoretical, but that there were practical grounds also for considering the Jews as forming a distinct nation. He could not forget that it was a French Jew who made it possible for the French Emperor to bring home his army, after the most disastrous of his campaigns; and their Lordships would also remember that, in the very extreme height of the war between France and England, an English Jew was found ready to contract a loan in this country for Napoleon. Taking it then to be established that Jews had not the right to admission into Parliament, what other argument had been adduced to induce their Lordships to pass this Bill? The noble Marquess had appealed to the kindness of the House, but if the Jews had rights there was no reason for appealing to the kindness of the Legislature; and he maintained that by passing this measure they would consent to an abandonment of the truth, and confer upon the Jews a fatal benefit. He said a fatal benefit, because the danger to the Jew was the danger of infidelity. He stood in the position of being the professor of a religion which was once the true faith—that faith centering in the hope and promise that at some time there should rise out of his nation the blessed Saviour of mankind, and that hope and promise turning to corruption and rottenness if the Messiah came not. That people had gone on for 1,800 years, receiving a weakened tradition from their half unbelieving fathers; and how could it be expected that a race immersed in the pursuit of gain, with nothing to counteract that passion but a belief in the truth of their religion, would be benefited by an admission into the British Parliament? Abhorring, as he did, the cruelty with which the forefathers (so called incorrectly) of the Jews were treated, he contended that that cruelty was based upon truth, and was kinder than the false humanity which would teach this people that the revelation made to them was either false or an immaterial trifle. The Rabbi Krule had observed, "how little the word of God is regarded in this land, in voting for the emancipation of the Jews." The Jews must suppose that we were indifferent to our own faith when we admitted Jews to legislate for us. In the next place it was an utter fallacy to say that the Jews who now resided in this country, were the descendants of the Jews so cruelly persecuted by the Edwards and Henries. Every Jew who was now in England had come to England (or his immediate ancestors) within the last 200 years, and they been permitted to come on the condition that they would have shelter and kindness, but not political privileges. He would ask then what right had the Jews to the privileges claimed for them? They were like people who had been shipwrecked, and who had received shelter, and then claimed from those whose hospitality they had enjoyed the full rights of citizenship. And now with regard to what had fallen from the noble Marquess as to the claim of right, he did not inform their Lordships in what way it would advantage the community. He admitted that the right to the legislative office was given for the sake of those who were represented; and he would go further, and say that it would be some argument if the noble Marquess were able to state that it was for the good of any constituency that this right should be conceded; but which of their Lordships would be prepared to admit that it was necessary for either an English or Irish constituency? No doubt there might have been in certain cases certain advantages derivable from the election of Jewish representatives. Far be it from him, however, to say that he knew any such instance. He professed to have no knowledge of those "secrets of the prison-house." ["Hear!"] He repeated, for the information of the noble Marquess (the Marquess of Clanricarde), that though he knew nothing about the secrets of the late election for the city of London, yet that he was not without some knowledge of the public history of that transaction. It was pretty well known that it was because the Prime Minister at the head of the Government, finding himself hard put to it for his election, thought it convenient, in order to secure his success, to connect himself with a firm where one of the partners found the capital and the other the character. Declarations in favour of removing Jewish disabilities might under such circumstances have been found exceedingly convenient. He was quite free to admit that there might be, and doubtless there were, English constituencies which, influenced by peculiar reasons, very earnestly desired that a Bill of this nature should pass into a law; and he had not forgotten that something like a threat was held out, that it would be better for their Lordships to pass the Bill now, because propositions for its adoption would be reiterated, and that in every succeeding year a similar measure would be introduced. But he would say to their Lordships, that if they believed it to be morally wrong, or even morally questionable for them to agree to such a measure, no consideration founded upon repeated introductions of the measure ought with their Lordships to have the least influence. There was no act by which they could more utterly stultify their own existence than by passing such a measure under the terror of such a threat. If not a Session were ever allowed to pass without the introduction of such a Bill, he still should say, let them not pass it unless they were convinced that it was morally right and politically expedient. One of the most important questions which this proceeding involved was how far its passing would unchristanise the Legislature. He would say this, and he would say it in no purely theological and in no mystic sense, but as a plain and practical truth, that its effect must be to unchristanise the Legislature. The noble Viscount had said that the time was when none but Christians belonging to the Church of England were admitted into the Legislature of this country; but that now we admitted all classes of Dissenters who, in any sense, called themselves Christians; and he inferred, therefore, that the Christianity of Parliament was an unreal Christianity. Now this was a mistake; for all they could do in the first instance, as in the last, was to rely on the professions of men; and they had still got a Legislature composed of those who professed to be followers of the Christian religion. But that was a very different step from the step now proposed, which was the greatest step that ever a Christian Legislature was asked to take. They were asked to let in those who were not only not Christians, but were even haters of Christianity — men either calling themselves Jews, being absolute unbelievers, or really Jews believing that the God whom we worshipped their ancestors betrayed, and justly slew, as a malefactor. The Members of both Houses must remember this, that ever since they had admitted Roman Catholics and Dissenters into Parliament, they were from that time forward no longer at liberty to assume anything known to be hostile to the acknowledged principles of those parties. He was well acquainted with an active Member of the other House, who told him that antecedently to the year 1829, he was in the habit of bringing forward Motions against that which he conceived to be the chief evil of Romanism; but he abandoned that practice from the moment that Roman Catholics were admitted into the Legislature, for he did not think that either House had a right to take anything for granted which was at variance with the known religious principles of those who had been admitted into the Legislature: that hon. Gentleman conceived, most justly, that his brother Members had as good a right to their opinions as he had to his own. If Jews, then, were admitted into the Legislature, it would be impossible to assume any principle inconsistent with their avowed opinions. He would mention a very important fact illustrative of the position for which he was contending—in the present discussion it was a great fact, and one to which he wished to draw the special attention of their Lordships. When extreme distress prevailed in Ireland, the Wesleyan body transmitted to the Committee of the British Association for the relief of Irish distress a considerable sum, and it was arranged that a letter of thanks should be written to those who had thus liberally contributed to a good work; and the terms of the draught of that letter conveyed thanks to them for their "Christian charity." One of the Jewish nation was a member of the committee; his name need not be mentioned, but he took exception to the use of the word "Christian:" he would not have it, and his argument was this—"You admit me to sit here as a member of your committee; you admit me as a Jew: I will therefore not agree to have the proceedings of this committee conducted upon Christian principles. I say you are not charitable in consequence of being Christians; but in spite of your Christianity. I require that those words be struck out;" and the word "Christian" was struck out—*ex uno disce omnes.* Those who now came to them said, "No harm is intended with respect to your religion. What harm can possibly follow from the admission of a few Jews into Parliament?" This harm would follow, that from the day they legalised the annihilation of Christian distinctions, they could no longer appeal to Christian authority. On what principle was it they thought themselves commissioned to make laws that governed half the globe? Was it not because the law of England was based on the law of God as revealed by Christ Jesus? This was uniformly the ground held by the jurisconsults of the land: it was the ground held by Blackstone, who said that no human law was valid if contrary to God's law; and such of them as were not opposed to it, derived all their authority from this original. There was no other strength to which laws could refer, except to the strength of brute force; and never was there yet seen an infidel nation in which the introduction of infidelity had not sapped the foundation of all law, and brought with it anarchy and confusion, and the loss of liberty and peace. He begged their Lordships, therefore, to pause and weigh well what they were doing before they consented to a measure which would upset the profession of Christianity in the land, overthrow the basis of law, and sap the foundation of every one of their institutions. He felt that he had now pretty nearly exhausted all the arguments that it was necessary to bring under the notice of their Lordships; but he could not altogether avoid noticing some remarks which fell from a noble Duke whose presence in that House he hailed with great pleasure. It seemed as if some persons thought that the doctrines of religion were separable from the business of legislation. But he must, again and again, remind them that the deepest wound that they could inflict upon the religious sympathies, the religious trust, and the moral trust of the people of England, would be accomplished by any attempt to separate religion from legislation. Much of what fell from the noble Marquess near him he had listened to with much pain; and not the least portion of that pain was occasioned by the terms in which the noble Marquess spoke of the important and unquestionable relations subsisting between Judaism and Christianity. He had spoken of Judaism as the cradle of Christianity; but if left to itself it would have been the tomb of Christianity. He had also heard words from the mouth of his right rev. Brother (the Bishop of St. David's) behind him which drew forth from those around the right rev. Prelate—he meant other Members of the bench from which he spoke —expressions of the most unmitigated dissent, conveyed in terms as strong as was consistent with the usages of Parliament. The language which his right rev. Brother had held, must, if unexplained, be alike injurious to the interests of religion and of sound legislation. Nothing was more calculated than those words were to shake the confidence of the people of England; and he doubted not that they slipped from his right rev. Brother in the attempt to carry out an imperfect argument. He did hope, then, that in thus alluding to them he would afford an opportunity to his right rev. Brother to state that he did not mean to convey that there was very little difference between Jews and Christians. His argument was this—that we admitted Unitarians, that the Jew was equal to the Unitarian, and that, therefore, there was little difference between the Jew and the Christian—that we Christians, therefore, differed little from those that despised that which was our trust through life, and which cheered us in death; who held that their ancestors had put to death a justly executed malefactor, whom Christians regard as the everlasting Son of God. He wished to remind their Lordships that Christianity was not a cold philosophy, but a heartfelt love and affection for the Son of God, the Saviour of the world, in whom it placed its hope and trust of eternal salvation. It was love, affection, trust, and confidence; while the essence of the faith of Judaism was an intense and perfect denial of all that constituted the faith of a Christian. The Jew told the Christian that he on whom the Christian believed, was an impostor whom the forefathers of the Jew slew, and whose slaughter the modern Jew justified. Between the Christian and the Jew there was a gulf as wide as eternity itself. The Jew looked forward to the advent of a Messiah, and regarded the Christian as a false and blasphemous faith. Was he not right, therefore, in stating that if they passed this Bill they would be inflicting a wound on the religious feelings of the people of this land which they could never heal? The conclusion of the right rev. Prelate's argument was, that on these points there was ample room for difference of opinion amongst themselves; but this could not be, as Judaism rejected the Messiah, cast itself into utter darkness, and became an empty and unmeaning, but false and blasphemous faith. He thought, therefore, they were bound at all times, and in all companies, to say to him who did not believe in the Messiah, "You reject him who died for you. You put yourself out of the pale of that salvation offered for your acceptance." With regard to the question of the petitions, something had been said about appealing to the country on this question; and the noble Viscount said there had been no outcry in the country against this measure. He thought, however, he could read the riddle of that silence. It reminded him of one of the pregnant sentences of a Roman author—

> "Non tumultus, non quies, sed quale magnæ iræ et magni metus est silentium."

Such was the silence that pervaded the country at this moment. It was the crushed silence of great indignation and great apprehension. If their Lordships passed that Bill, they would take the foundation from religion, and they would send a shock quivering through every institution of this country, which would not cease until it shivered them all into fragments. They would destroy the only basis on which every blessing could be secure, and they would change, by the passing of that Bill into a law, that into a settled opinion which people now only admitted in the form of an indistinct fear. He begged of them not to change the present absence of tumult, the now comparative quiet, into indignation amongst the population. There was one subject more, in connexion with the question, to which he begged leave to refer. He thought that the present was the last struggle leading to a peculiar question. He thought the relations of the Church to the State afforded, at the present time, questions not of the easiest solution, and not the safest to defer settling. He thought those difficulties and entanglements any reasonable man would trace to this cause, that the Legislature, by a slow and certain progress, had been gradually more and more estranged from the Church of the country; that there was less confidence felt in the Legislature by the Church ; that there was less facility afforded by the Legislature for carrying on the business of the Church. Now, what could increase that uncertainty more than the passing of the Bill before their Lordships ? the effect of which would be the causing the settlement of matters belonging to the Church of England by a House of Commons at a Jewish level—the declaration that a Jewish level was a common level of profession on which all could meet. Surely that would lead to the severing of the relation between Church and State; and those who sought and wished for such a severance were the parties who had looked with favour, or at least not with disfavour, upon the Bill. He (the Bishop of Oxford) had looked at the petitions which had been laid upon their Lordships' table, and he found they were almost exclusively from people who belonged to a certain league, which had for its object, the destroying the relation between the Church and the State. It was no wonder, indeed, that they should support such a measure. Let them only fancy a House of Commons dictating to a Prime Minister. Let them fancy a Prime Minister of this country owing, in doubtful times, when the words of ten voters might turn the scale, owing, at such a time, the existence of his Government to the bare sufference of a Jewish party. Let them then fancy a delicate question arising, which the Prime Minister should have to adjust with the Church, regarding the religion of the country—a question difficult at any time, but impossible to be adjusted when the Prime Minister would be suspected of a decided bias to a party hostile to that religion. The passing of this Bill would sooner or later lead to such a condition of things—sooner or later it would lead to the question—a question which he believed their Lordships were not as yet prepared to entertain—of separation between Church and State. He himself, for one, was not prepared for that separation. Not for mere individual reasons was he unprepared to entertain that question, but for deeper and mightier motives. He was not prepared for such a separation, because he believed the Church herself, in the first place, would suffer injury almost irreparable; and, next, because the nation would suffer still greater evils from the separation. The Church of England separated from the State, would necessarily, in becoming a mere sect, acquire something of sectarian habits and interests; and the State would, in unnumbered ways, suffer the deepest mischief in being dissevered from the religious feelings and character of the people of this land. There were many questions, such as that of national education, which were daily arising, that would all, more or less, raise questions as to the treatment of different religious bodies; and because of the settling of the present question in lowering the House of Commons to the level of the Jewish profession, it would make it almost impossible to deal with those others. He besought their Lordships to think and pause. He besought them not to pass that Bill. He thanked them for the kind attention with which they had listened to him; and he only besought them to beware lest, under the influence of kindly frailty, they did that which might, perhaps, unchristianise this land, which would entangle those relations in matters of faith between the Church and the State—which would wound the religious sympathies of the people of all classes—which would give nothing in the way of union, strength, consistency, or character in return—which might, in short injure all, and could strengthen none of their present institutions.

The EARL of ST. GERMANS, with all respect for the right rev. Prelate (the Bishop of Oxford) should express his dissent from his arguments and the conclusions to which he had come. The degrees of citizenship spoken of by the right rev. Prelate, were distinctions known to the Roman law, but not recognised by the law of England. In England, all natural-born subjects had the same legal rights. The Bill did not propose to give a certain number of seats in Parliament to Jews, but to enable Christian constituencies to elect Jews as their representatives if they thought fit. It was true the Jews had been a separate and distinct nation, and that they also believed the day would come when their nationality would be restored. But that day was not distinctly named, and the promise had no effect upon their feelings towards the country to which they at present belonged. In the United States, in France, in Holland, and in various other countries, they enjoyed the rights of citizenship; and, as the noble Marquess had told them, in Canada, Jamaica, and other British colonies, the Jews were Members of the Legislature. There was therefore no reason for asserting that they were incapable of taking an interest in the affairs of the State to which they were subject, or of being useful legislators. As to the argument, that Parliament was bound to distinguish between truth and error, it had been already disposed of by a right rev. Prelate, whose absence he regretted (the Archbishop of Dublin); and his noble Friend (Lord Canning) had stated with great truth, that when they admitted to seats in the Legislature, persons who denied the doctrine of the Trinity, and yet refused such a privilege to the Jews, they were guilty of inconsistency. The allusion of the right rev. Prelate to the affair of the election for the city of London, was totally irrelevant. But as to his argument relative to the connection between Church and State, he entirely agreed in the sentiments expressed by him. No man would regret more than he (the Earl of St. Germans) the dissolution of that connection. But he differed with the right rev. Prelate as to the fear of such a consequence being the necessary effect of the present Bill. The right rev. Prelate, in fact, expected to happen in consequence of its passing that which he (the Earl of St. Germans) feared would be rather the result of its rejection. For if they refused that privilege to the Jews to which they had a right, merely because it would tend to weaken the connection between Church and State, those who supported the Bill would be apt to say, that if that connection were the only obstacle, it should be dissolved. There was no fear of opposition to the Church from the Jews. There was no idea on their parts of destroying the Church, and raising the synagogue on its ruins. There was far more danger to the Church from other Christian communities who were already admitted into Parliament. It was said, this is a Christian country, and that its Legislature ought to be Christian. Make the Jews eligible to seats in Parliament, and the number of Jews in Parliament would bear as small a proportion to the whole number of Members as the number of Jews in this country to the whole population. The Legislature would still be as much a Christian Legislature as this country was a Christian country. It was admitted on all hands that the Jews were a loyal, peaceable, and industrious body; and if so, he saw no reason why they should be deprived of their civil rights. The Jews were, he believed, an eminently charitable people, and their poor bore a very small proportion to their general numbers. As a body, they had never been suspected of conspiring against the State in any country in which they resided; and he trusted their Lordships would, by passing the Bill, sweep away that last remnant of a barbarous system of legislation.

The Bishop of ST. DAVID'S, in explanation of a part of his speech which had been commented on by the Bishop of Oxford, said, that he was aware he had been treading on delicate and dangerous ground, and that he might be subjecting himself to misrepresentation, but still he was surprised at the use which the right rev. Prelate who had just sat down had made of his observations, and the construction he had put upon them. After all that his right rev. Friend had said, he was unable to conceive how his right rev. Friend could have been led to such a conclusion from his words: and the only explanation he could offer, which, however, he believed would be sufficient, was to state again what he had already said. He had ventured to say that, in the possible case which he had supposed, the feeling with which a Jew, such as he had described, might regard the Founder of our religion, might not essentially differ from the feeling with which He was contemplated by the Unitarian. He could not understand how it could be inferred from this that he meant to diminish the amount of difference between Judaism and Christianity. But certainly he had not said that he considered Unitarianism as a fair sample of Christianity.

The Earl of EGLINTOUN considered the present question to be one rather of religious principle than one involving matter of great political interest. It was for the sake of that religion which he revered, and that Saviour whom he worshipped, that he was prepared to give his opposition to the Bill. However excellent might be the lives and characters of the persons professing the Jewish religion, however peaceable and generous they might be in their social relations, and however useful they might be in their private capacity, he did not think that it was for the good of this country that those who were aliens to it—that those who were always looking forward to a return to the land of which they had been deprived by the judgment of Heaven, and who called themselves a chosen race and a separate people—should participate in the duties of legislation in a Christian country. There was something in the manner in which the petitions in favour of the measure were got up which might call for animadversion. Many of them had been got up by the London Election Committee, and they, therefore, could not be considered in the same light as if they were the spontaneous outpouring of the sense and feeling of a large portion of the community. He would call their Lordships' attention to the circumstances under which the Bill was presented to their consideration. The party who introduced and supported it, and who now occupied the Ministerial benches, had been in power for the greater part of seventeen years. That party had made large additions to their Lordships' House, and many of the right rev. Prelates who sat opposite owed their elevation to them. Through the whole course of their career, they had never thought fit to propose any Bill like the present, although they had made great changes in the constitution, until the leading Member of Her Majesty's Government had become a candidate along with a member of the Jewish persuasion for the representation of the city of London. The noble Viscount who had lately spoken, took his noble Friend to task for having said that the Jews of the present day would behave in the same manner to the Saviour if they had the opportunity. He, for his part, should be extremely sorry to coincide in such an opinion; he trusted that the punishment which that nation had received at the hands of the Almighty had taught them a better lesson. It had been urged, because they had already admitted the Jews to the elective franchise, and to municipal office, that they should go still further, and admit them to the Legislature. They had been told that they could not stop where they were; but he apprehended that there was little force or validity in the argument, for there was surely a very great difference between the elector and the representative. There was a great difference between an elector and a member of one of those assemblies by which the affairs of the Christian Church and of the Christian world were arranged upon earth. If Christianity were to be the basis on which all human institutions were to be maintained, then, indeed, should the profession of it be indispensable. The Jews had never possessed the right to sit in Parliament, and it was now proposed, in order to confer that right upon them, to strike out of the declaration the Name under which they could only hope to be saved. It was a mistake to suppose that the words which had been contemptuously termed the fag-end of a declaration were mere surplusage; in his opinion every part of an oath was equally sacred; and if there could be any words more sacred than others, they were those in which it was declared that it was taken "upon the true faith of a Christian, so help me God." It was true that the Jews believed in Moses and the Prophets; they had the same revelations, the same commandments, and the same Bible; but they denied that which crowned all their revelations—they denied the mission of our Saviour; and he, for one, would never consent to admit those who believed that the sacrifice on Calvary had been made in vain. The question was one not only interesting to Protestants, but to the whole Christian community; and it was no argument because they had committed one error—if the admission of Socinians or Unitarians were an error—that they should therefore commit another. He besought the House, in the utmost sincerity of heart, to pause well before they assented to the present measure, and to remember that they were legislating in the sight of the living God, and that they would have to answer for every act they did to that God whose name they now proposed to strike out as unnecessary.

Lord LYTTELTON considered that it was quite necessary that they should endeavour to frame to their minds what was the precise meaning of the word "Christian." He must assume, for the purpose of the argument, that Socinians or Unitarians were not Christians. He was speaking that which had been said before by persons of great authority. He was not prepared to deny that individually they were not Christians, but collectively, and taken as a body, they could not be looked upon as Christians. The Socinians denied the doctrine of atonement. But the Socinians and the Unitarians had been admitted. If it were admitted that that course was wrong, no one had proposed to disturb the arrangement. If any person did make such a proposition, he would be ready to meet them upon that question. He did not believe that they could stop here.

The EARL of HARROWBY said, they had been told by his noble Friend who had just sat down, and by other noble Lords, that whilst they admitted Socinians they could not exclude the Jews. He could not agree to that inference; for, they did not, in fact, admit Socinians as Socinians, but as Dissenters, who took the oath on the faith of a Christian. His noble Friend had alluded to a measure which was passed not very long ago, which, his noble Friend said, had been passed in their favour; but it gave them, in fact, no admission into Parliament—it merely removed some severe penalties which affected them. He could not venture to unchristianise Parliament; and, as he feared that this measure would have that effect, and would also tend to lower the tone of that great assembly, he should oppose the second reading of this Bill.

The EARL of YARBOROUGH had looked at this question with great anxiety, but the more he looked at it the more thoroughly convinced was he that he was only doing his duty as a Christian, and preventing persecution, by voting for the admission of the Jews. If a person wished to get into Parliament, he must feel himself persecuted if he were prevented from doing so by his religious opinions. He felt, then, that if he opposed this on religious grounds, he should not be discharging his duty as a Christian, and he thought it was but just that if a Jew were selected by a constituency, and there was no civil or political objection to him, he should be permitted to take his seat.

The EARL of DESART said, their Lordships must wish to preserve the Christian character of that assembly; but if Jews were admitted into Parliament, and were sincere in their religious opinions, they must be anxious to destroy all Christian institutions. He received them with every feeling of hospitality, but it did not follow that they should be admitted to any part in the management of our household. This was the only country that was not yet stained with anarchy, and this was not the time to give up our reliance on that Power which had preserved us amidst all the violence that had occurred elsewhere.

The EARL of ELLESMERE wished to say a few words before he gave his vote, which vote would not be the result of early impulse, but of as much reflection as his illness allowed him to give to the subject. If he had been borne along by the torrent of the eloquence of the right rev. Prelate opposite, and induced to believe that by voting in favour of this measure he should be doing anything which was calculated to lead to an indifference to the great interests of Christianity, then, in such a case, no consideration of public policy—no respect for any constituency—could induce him for a moment to pause in the adoption of that course, and to vote for the rejection of this measure. He was not one of those who thought that religious considerations could so far be separated from those that were political, as to be altogether absent from their view in discussing the great questions of legislation in this country; on the contrary, he thought that when the councils of this country ceased to be deeply imbued with religious considerations, the result of Christian reflection and thought, the blessing of Providence could hardly be expected to rest on their deliberations. But he could not believe, that because certain constituencies in the country might select Jews as their representatives, therefore Christianity was in danger. What would be the result if this measure were to pass? That a small number of persons of wealth, and character, and acquirements, of a particular religion, might obtain seats in Parliament. He would admit, that where the subject of their legislative exertions related to the temporalities of the Church, there would be a certain degree of incongruity in the fact of those who were not members of that Church legislating upon the subject. But if their Lordships considered who the parties were who were to be participators of this privilege, they would see that there was far less danger and far less inconvenience to be apprehended to the Church of England from the Jews, than from many Christian substitutes in the Lower House of Parliament. He had heard of denunciations of that Church from the conventicle, but he had never heard of any from the synagogue. And why did their Lordships admit any class of Christian Dissenters to the Legislature? Was it from any liking on the part of their Lordships to the doctrines entertained by those persons? No. It was because some of them considered it no longer just, and others no longer safe, to exclude from the common defence of the great interests of the nation those who had so large a share in them—that it was no longer right or safe to treat as aliens in the land those who, by their numbers, their rank, and their possessions, were rooted to the soil. Had the Jew in times of danger ever sheltered himself under the character of an alien? On the contrary, was it not the fact, that in the wars against Napoleon they had fought side by side with their Christian brethren for the emancipation of Europe? He had also understood, that in our Canadian colonies, when the standard of England was reluctantly upheld by many Christians, the Jews had rendered good service in behalf of this country. Some observations had been made on a subject on which he did not profess himself to be deeply conversant—he meant the nature and extent of the petitions which had been presented to the House in regard to this Bill. He understood that a considerable majority of these petitions were in favour of the measure; and, if the fact was so, he believed it was not attributable to the wealth and power and influence of the Jewish race in this country, but rather to the use which they made of their wealth, and their bringing it to bear extensively, comprehensively, and judiciously upon the charities of the country; and he confessed that this fact had operated with considerable weight upon his own mind. It had been said, that this country now stood in a singularly proud position. Our Houses of Legislature might be said to be the only ones in the civilised world which were at present free from undue external influence. It had been said, and he believed it was true, that the discussions of the two Houses of the British Parliament would meet with attention and respect from foreign countries; and, if it should happen that the decision at which they conscientiously, deliberately, and calmly arrived, should be in favour of the Motion then before their Lordships, he did think it would have an effect upon the consideration which the Jewish race received in other countries in Europe. He believed, that our support and countenance were very much wanted—for he regretted to hear that, while in some countries of Europe legislation might be considered as having advanced in the cause of liberality, in others the old system of persecution and outrage had been revived. It was not his intention to specify any of these cases, or to interfere by discussions here with the concerns of other countries; but he thought the best homily he could read to them was his vote on this Motion. The success of that Motion would show that the British Legislature did not consider the Jewish nation as fit subjects for persecution or degradation in any shape. He begged to add, however, that he did not agree with those who held the exclusion of the Jews from Parliament to be persecution. He thought the question had suffered from such arguments as these. It was not on that ground that he gave the Motion his humble support; but because he thought it safe to the religious and political interests of the country, and just to the Jews, to give them a share in the making of those laws which they had hitherto obeyed so cheerfully, and in some respects administered so well.

Lord STANLEY: I should have been well satisfied, my Lords, to leave the decision of this question to the able, to the powerful, to the eloquent, and to the hitherto unanswered speech of the right rev. Prelate (the Bishop of Oxford); but I feel it imperative upon me not to give a silent vote while any possible argument remains unstated, although I feel it to be a question upon which the discussion has been well nigh exhausted, upon which I can offer nothing new to your Lordships, and on which it would be inexcusable for any length of time to trespass upon your patience. I think that your Lordships should at once reject this Bill. Noble Lords, in the course of this discussion, have laid much stress upon a doctrine which I rejoice to hear repudiated by my noble Friend the noble Earl who has just sat down, namely, that the free exercise of your judgment on this subject, by the rejection of this Bill, would be properly and duly stigmatised as a measure of persecution; and yet I could not fail to be struck with the apparent inconsistency of the argument of my noble Friend, because the declaration was immediately preceded by the expression, as the ground of my noble Friend's intended vote in favour of this Bill, that he thought your Lordships' conduct on this occasion must materially influence the conduct of other States with regard to what is properly and appropriately called "the Jewish nation;" who in some parts of the world are subjected to grievous persecutions and great hardships; and that he would endeavour to show by his vote this night that the English Parliament is wholly free from this spirit of persecution. My Lords, if the vote given to-night, whether in favour of this Bill or against it, be no indication of a persecuting spirit, I am at a loss to understand how the noble Lord reconciles these two conflicting arguments, and how his vote one way or the other can mark the hostility of this country to the persecution of the Jews. To the punishment of a man on the ground of his religious opinions, I am as much opposed as the noble Earl or any of your Lordships; but the question on which I draw the main distinction is this, that the protection of the law and the enjoyment of property, is one thing, and to deprive a man of that protection, on the ground of religious opinion, is persecution. But the privilege of enacting the laws of the country is not a right, but a privilege—a privilege, the absence of which is no persecution, no punishment, no penalty—the possession of which the Legislature has at all times maintained the right of hedging round with such conditions as it felt were for the benefit of the country. I must say that I heard with some surprise the historical summary with which the noble Marquess commenced his speech, the inference to be deduced from which was, that for the first time in the reign of Elizabeth, this intolerant exclusion of the Jews took place. The noble Marquess distinctly stated that it was not till the time of Elizabeth that this exclusive system on the ground of religion first commenced; and that when it first commenced, it had no reference to the Jews. Let me remind your Lordships, that until a recent period previous to the reign of Elizabeth, the subject was not only excluded on account of religious belief, but uniformity of religious opinion was enforced by penalties much more stringent than the refusal of a seat in the Legislature. So far from the Jew having a right to sit in the Legislature, the Jew had not a right to set his foot on British soil. Then the noble Marquess says that the statutes were directed against the only class of nonconformists of those days, the Popish recusants, and had nothing to do with the Jews; and then the noble Marquess goes to the times of William and Mary, and says that for thirteen years during that time there was no legal obstacle to the Jew being in Parliament—there were no terms in the oath, "on the faith of a Christian," during those thirteen years; but it is also true that there was no power for a Jew to obtain naturalisation, which was a necessary preliminary.

LORD CAMPBELL: It was not needed if he were born in England.

LORD STANLEY: If he were born in England, where was the power for a Jew to hold freehold property, and have a freehold qualification by which he could be admitted to sit in Parliament? Was not the oath, such as it was, administered to every person upon the New Testament? And although there were those absolute and legal impediments, the noble Marquess tells your Lordships that for these thirteen years there was a happy removal of the intolerance preventing Jews sitting in Parliament? To talk about the Jews sitting in Parliament in the time of William and Mary, is to argue on a case which is absolutely impossible to conceive; because, if in those days a Jew presumed to offer himself as a candidate for the representation of any city or town, borough or county, in England, he might have got through the first sentence, but he would not have been heard through a second. I will not detain your Lordships by entering on the historic points of this discussion; but that which I desire to lay stress upon is this—in which I entirely concur with the right rev. Prelate—that it is a privilege of sitting in Parliament and legislating, and not a right, to which every person is entitled. It is a privilege which the State confers on those persons who are properly qualified. Then comes the question, what are the proper qualifications for the Legislature in a Christian country? If it be true that it is an inherent right to which every British subject is entitled, what becomes of your pecuniary qualification? What becomes of your law by which you require that a person shall be of a certain age? What becomes of the right by which you exclude women? Why is it that, with the exception of the right reverend bench, who are, be it observed, in this House, and hold their seats in it because this is a Christian assembly—why, with that exception, is every clergyman of the Church of England debarred from a seat in this House? I ask, why? Because it is supposed that the woman, the minor, and persons who have not the required property qualification, are persons who are not qualified for the task of legislation. I admit that that pecuniary qualification is an arbitrary one. I take it that it is upon this principle, that persons who have such a pecuniary qualification, have such a stake and interest in the country, or are likely to have received such an education, as to enable them to give a free and independent and deliberate and conscientious verdict with regard to the transactions of Parliament. Then, suppose you contend that this right is inherent in every British subject—has not every one of these a right to challenge your qualification and your restriction as an act of punishment, according to the noble Viscount—as an act of persecution, according to other noble Lords—or a remnant, according to the noble Earl on the cross benches, of an exploded system of persecution? Has he not a right to say, "I am a British subject—loyal, peaceable, well disposed, of a good moral character? not a man will say a word against me in my neighbourhood. I bear the highest character for loyalty and temperance, but I am debarred by the persecuting law, which says that unless I possess a certain pecuniary qualification, not only I shall not have a seat in Parliament, but I shall not have a right to vote." The qualification is imposed for the supposed good of the country. No one disputes the right of the Legislature to make the qualification. Is it a greater disqualification in a Christian assembly and a Christian country—in a country in which the law rests on the basis of Christianity — in which Christianity is part and parcel of the law of the realm—is it a greater or a less disqualification to say, "I have not a freehold estate of 50*l.* or 100*l.* a year;" or as a Jew, "I repudiate all that you hold most holy; I abhor that which you worship; I reject all to which you look up with reverence and veneration; and, as a sincere Jew, my desire must be to see your blasphemous religion trodden in the dust?" I care not what may be the professions of the nominal Jew or those nominal Christians to whom their religious opinions are like garments, which they can put on or take off at pleasure, but in which the heart, and conscience, and judgment, have no part. Although I admit that there is much in Judaism in common with Christianity—although I admit that "their law was our schoolmaster"—whilst I admit that there is much in common in the precepts of the Mosaic law and the Divine precepts of the gospel; yet I cannot forget that of all the crimes capable of being committed and punished with the greatest severity by the law of Moses, that of an attempt to put any created being upon the footing of the Invisible God, was the crime which was visited with the greatest severity. A Jew must believe even the second Person of the Blessed Trinity to be a convicted malefactor, and justly condemned by the law of an offended country. I look with veneration to the great attachment of the Jews to their religion, they having been for many centuries the depositories of the Word of Truth. I believe the educated Jew to be a man honourable, conscientious, charitable, well-disposed, and loyal; but I cannot place the Jew, either with regard to his religious belief or with regard to his social condition, on the footing of any denomination of Christians, nor can I place him on the footing of other British subjects. It has been attempted to be argued that you have cut away the ground of argument against the admission of the Jews by the admission of other sects into Parliament; and some noble Lords have spoken about the ambiguity of Christianity itself, and have referred particularly to the admission of Unitarians. Now, my Lords, I have very great doubts about the accuracy of their faith—I do not understand their reading of the Scripture—I cannot comprehend the interpretation which I believe they put upon the Scriptures; but this I know, that if you were to tell a Unitarian that he was not a Christian, he would at once, and most vehemently, repudiate that assertion. He would say, though he is not convinced of the divinity of the Saviour, yet that he looks upon him as a creature sent from God; that he receives the doctrines of the Gospel as the revealed word of God; that he looks upon them with a reverence scarcely less than your own; and that in them he, as you, finds the guide of his conduct here, and places his belief and his hopes of salvation hereafter. I remember well when a discussion took place some years ago relative to the admission of Roman Catholics to seats in Parliament, some of the powerful arguments used by my lamented friend, the late Sir George Murray, who had not long returned from high command. He said, speaking of the Roman Catholic and the Protestant—

> "True it is that in minor points, and in some not unimportant, they differ from you; true that they superadd to the Scriptures what you do not believe, but look upon as vain imaginings appended by man to the revealed word of God. Yet, remember, that Protestants and Catholics, when they go into the service of the same country, are subjected to the same danger, and are, perhaps, fated to fall under the same bullet; they go in the same belief of the same Saviour, in the same confidence in the same God, in the same belief in all the fundamental principles of their religion; and if it be the will of God that there and then they

and you should die together, they and you both look for the forgiveness of your sins, and the reception of your souls into immortality to the same Redeemer."

In those sentiments every denomination of Christians concurs; yet those are the men whom the right rev. Prelate in this House tells you you must place upon the same footing with the unbelieving Jew. I had almost forgotten to observe that the noble Marquess at the commencement of his speech did me the honour to refer to a vote which I gave in 1830, in favour of the second reading of a Bill for the removal of Jewish Disabilities; and because, forsooth, this Bill bears the same title, the noble Marquess attempts, by implication, to fix upon me the charge of tergiversation for opposing this measure. The noble Marquess did not tell your Lordships, however, that at that time no Jew could hold real property—that no Jew could act as a magistrate—that no Jew could take part in municipal councils—that no Jew could take any participation whatever, even in the most ordinary transactions of domestic life. From all those disabilities I rejoice that the Jews are now freed. The noble Marquess might not have gone so far back as the year 1830; he might have traced me up to 1833 or 1834, when I voted in support of the Bill introduced by my noble and learned Friend the then Lord Chancellor (Lord Brougham), for the removal of all the remaining disabilities of the Jews, so far as their civil and social condition was concerned. But in that Bill there was no attempt, nor was there any question raised; on the contrary, it was admitted that the concession of all those civil and social rights gave no claim for admission into your Lordships' House.

The MARQUESS of LANSDOWNE: I alluded to the first Bill.

LORD STANLEY: It is of little consequence. I only refer to it now, because I desire still to maintain and to impress upon your Lordships' minds the distinction between the granting of all social rights, and the performance of all public duties under the control of the law, in which no doubt the Jew will perform his duty as well as the Christian; and the right to join in making the laws in which the Jew is not fettered by anything but his own conscience; which conscience, if it be worth anything, must lead him to vote for measures hostile to the established religion of this country, and to Christianity itself. I have heard it said that a great constituency has returned a Member of the Jewish persuasion to Parliament, and that the Legislature ought not to resist the wishes of the electors. I do not, in the first place, admit that in all circumstances, and at all times, the particular constituencies are the best judges of the candidates who can really best represent their proper interests. Still less am I convinced of the right of any constituency whatever—be it the least or the most important in the country—to fly in the face of the laws of the country, and to elect a person to sit in Parliament who is disqualified by the law from taking his seat, and to insist that the judgment of Parliament should be overruled, and that such a person should have a seat in the Legislature. I must say my opinion is, that if the argument tells upon the question in one way or the other, it tells rather as an argument against the adoption of this Bill. If the city of London had elected a pauper, or a minor, or a female to represent them in Parliament, would it for a single moment be tolerated that that pauper, or minor, or female, should appear at the bar of the House, and claim the right to take his or her seat, because the city of London had so exercised its choice; and, knowing much better than the Legislature as a body, what was good for its own interests, had thought fit to return such a person? I am quite sure that that is an argument which cannot hold for a single moment. But then I contend that practically the Jews of this country are not of this country, but are a nation apart. As temporary sojourners within this country they are entitled to the hospitality and to the protection of this country; but they have no special British interests any more than special German interests or special French interests. They have the interests of the Jews at heart, not British interests, and, above all, not Christian interests. Now, I want to ask my noble Friend on the cross benches how his argument with regard to the admission of the Jews into the other House of Parliament would apply to your Lordships' House? Suppose it were thought convenient or desirable that that individual who has been returned to represent the city of London, should be allowed to change his foreign title for an English barony, and that, without reference to any constituency, the Queen, acting upon the advice of her Prime Minister, had thought fit to grant to him a British barony, how would my noble Friend's argument stand then? Neither in name, nor in title, nor, I believe, in undivided interests, is Baron Rothschild to be considered as an English citizen; and I confess I should regret to see him introduced into your Lordships' House, for I think it would materially interfere with the freedom of discussion. I do not deny that the Acts which have been passed for admitting Dissenters into Parliament, right and judicious as they are, have in some degree diminished the right of speaking, in both Houses, upon subjects of interest to religion. When the Legislature has once made the decision that all are equally entitled to the free expression of their opinions in this and the other House, every man feels there is a check put upon him, by inclination, by general feeling, and still more, by duty, to take care that he says nothing, in a personal or religious sense, hostile to the feelings of those whom the law has put upon a footing of equality with himself. Admit the Jew; and are we not, then, to be permitted to speak our veneration for Christianity? Are we not to express our determination to uphold the Christian character of the Legislature of this country? Yet what a contradiction in terms! To uphold the Christian character of your legislators and of your legislation, and yet admit as one of your colegislators a person to whom every word spoken in favour of Christianity is a direct affront and offence, and whose views with regard to everything in which Christianity is brought to bear upon legislation must be hostile to the views of the majority! I do not apprehend immediate danger from the admission of three, four, or six Jews into either House of Parliament. I do not apprehend the least danger, unless, under very extraordinary circumstances, it is possible for a very small party to turn a nicely balanced scale, and so give a majority to a Minister. But, on the other hand, I ask what is the great object you have to gain in the admission of some two or three rich Jews into the Legislature? What is the advantage for which you are to set aside that which has been for centuries, and which I trust will continue to be for centuries, the principle of the legislation of this country, namely, its being based upon and made conducive to the support and maintenance of the Christian religion? This great question of principle lies, as has been well said, in a nutshell. This is a question not of detail but of principle. The question you, my Lords, have to solve this night—which I trust you will solve in the affirmative—is, whether you will not maintain the Christian character of this and the other House of Parliament; or whether you will, by flying in the face of the solemn and deliberate judgment of the country as proved by the comparatively small number of petitions in favour of this measure, repudiate that Christian character? The question you have to decide is, whether you will leave the country at large to draw the inference—which they cannot fail to draw—that this House is indifferent to the profession or non-profession of Christianity? By so doing, if unhappily that should be the course your Lordships should be induced to take this night, believe me you will produce upon the minds of the people of this country, and, above all, upon the minds of the soundest, the most reflecting, and the most religious portion of this community, a feeling which will alienate their hearts from the Legislature, and shake that confidence which in the main I believe this country places in the Houses of Parliament. I rejoiced to hear, in the speech of the noble Marquess, that he has no inconsiderable apprehensions with regard to the result of this discussion. He thought it fit and proper to warn your Lordships that if you rejected this Bill to-night, the question would again and again be brought before you. I hail that declaration of the noble Marquess as an indication of his feeling that this debate will not decide the question in favour of this Bill—that again and again it will have to be submitted to your Lordships' consideration; and if so, I trust your Lordships will act in accordance with what I believe to be the general feeling of this great country, and again and again reject the measure.

LORD BROUGHAM said, he wished to commence his observations by expressing the great satisfaction he felt, in common with all their Lordships, at the temperate, and, generally speaking, the fair, candid, and charitable spirit which had prevailed throughout the debate. Generally speaking, nothing had been said uncharitable respecting the Jews—generally speaking, no personal matters had been mixed up with the discussion of this great question—generally speaking, there had been nothing slanderous or offensive said respecting any body of their fellow-countrymen. So far he joined with their Lordships in commending the spirit that had, for the most part, prevailed through the debate; but so far, therefore, did he the more deeply lament that the discussion should not have closed without a great and glaring exception—an exception the more signal, and the more to be deplored, because it proceeded from the benches occupied by the Prelates of the Church. It had been reserved, not for the man who had shown himself the worthy and dignified representative of the Establishment at the head of which he had recently and most justly been placed, who stengthened and adorned his arguments by appeals to their Lordships' Christian feelings, himself displaying feelings of charity, forbearance, and meekness, truly becoming a Christian divine and prelate; but to afford the exceptions so much lamented, had been reserved for another Member of the right reverend Bench. It was after the most rev. Prelate had made his speech that their Lordships were fated—he called it so for every reason, personal as well as hereditary—were doomed to the mortification as well as surprise of having that exemplary feeling—that tone of Christian charity, meekness, and forbearance, broken by unseemly discords—and the political question mixed up with religious and polemical controversy. Then it was that they had been told of the slanders which had prevailed, not privately but publicly, and which they were told they might read in the records of the newspaper press. Were they slanders ventilated in any proceedings in Parliament, in any Committee, or in any court of justice? No, but in a portion of the press. These slanders had there been propagated, and there these tales had been circulated; and, to be sure, it was because there had been a contest for the election of Members to Parliament! But this was not all. A partnership, it was said, had been formed, out of which arose the introduction of this measure, to which contest the Prime Minister in the other House had openly been a party, but at the cost and charge of an Israelite candidate. This had been slanderously stated. If anybody but a Prelate had said it, he should have said it was false, for false it was. Whilst that which was consistent with the facts was sneered and laughed at, and that which was not only inconsistent with truth, but the very reverse of truth—if it were told as the truth—was imputed against the conduct of a fellow-labourer with himself, he was entitled to say that he was a slanderer who thus attacked, and that the slander was foul as well as calumnious. The fact was—and he challenged inquiry —it was not true that the Bill originated in a job in the city of London. It was not true that Lord John Russell owed his election to Baron Rothschild. It was not true, but the contrary of the truth, that he was under obligations to Baron Rothschild; but it was true, and his written letter remained to prove, that he refused, at first, to be a party to the election. On what ground? Because of a contest. And what originated the contest? Why, the standing of the Baron Rothschild. So that, instead of lying under any obligation to the Baron and the Jews, Lord J. Russell was injured by the Baron's having come forward. He was prevented, in consequence of that event, from voluntarily coming forward himself; and it was only in compliance with the strongly-expressed wishes of his friends in the City, that he withdrew his refusal, and reluctantly consented to become a candidate. But when slander was driven from one point, it went to work again in another. It was said, "When the contest took place, the Baron did help Lord John Russell, and it was owing to the Baron that his Lordship got to the head of the poll." Judging from his own election experience, he (Lord Brougham) should be disposed to say that Christian charity and Christian loving-kindness never exceeded the charity and loving-kindness of the Jews, if this representation of the matter were indeed true. The Baron was not satisfied with giving Lord John Russell votes enough to insure his election, but he gave him so many votes that he got above himself; nay, he gave him so many, that he got to the top of the poll, while he (the Baron) was almost pushed to the bottom. Thus were they asked to believe that by means of the kindness of the Baron—of whom, if this view were correct, they might well say that he was "an Israelite indeed, in whom there was no guile"—Lord John Russell was placed at the head of the poll, while the Baron was within a few votes of losing his own election. The right rev. Prelate, acting on the most approved maxims of dealers in slander—not that he imputed to his right rev. Friend any malignant feeling, for he sincerely believed that he was led away by that which caused many a spiteful thing to be said in debate without any such thing being meant, namely, the love of epigram, combined with the love of a cheer—his right rev. Friend went on very plainly to insinuate that one party was deficient in capital, and the other in character. For, said he, to this partnership of the two candidates, one without capital, the other character—plainly insinuating that one was poor in money, the other in good name. But suppose the origin of the present measure was a wish of Lord J. Russell to show electioneering gratitude to his fellow candidate—he (Lord Brougham) utterly denied it all—but suppose it all true, he (Lord Brougham) did not see why a good cause should suffer for such a reason as that. He did not think the worse, for example, of the great cause of emancipation in the West Indies, because that most feeble of political machines, the Provisional Government of Paris, had thought it expedient to propose the emancipation of the French slaves as a provisional measure. The measure was provisional, as being intended to provide the Government with popularity; but that did not prevent him from wishing well to the cause. So, also, whatever might be the object—however selfish, however impure, however interested—of this measure, he should give his vote for it on the merits. Now, his noble Friend who had spoken last (Lord Stanley), had, with his usual ability, and with most exemplary candour, stated that though he had great respect for all constituencies, his respect was not greatest for those who, flying in the face of the law, chose to elect a person whom they knew to be disqualified for a seat in Parliament. The constituency of the city of London knew no such thing—they were better lawyers than his noble Friend—they knew that there was in fact no law to disqualify a Jew from sitting in Parliament — not a shadow either of common law or statute law of the kind. All the arguments advanced against the Bill that evening were based on the supposition that the law excluded Jews—excluded them advisedly and aforethought, and because the Parliament was Christian. The citizens of London had a perfect right to elect a Jew. No declaration was required from a Jew or any other person—Socinian, Catholic, or Dissenter—before taking his seat in Parliament—that he believed in any one dogma of Christianity. He was required to declare that he abjured the claims of the Pretender; to swear that he believed the heirs of the Electress Sophia, being Protestants, to be entitled to the Crown, and to profess allegiance to the Crown; this he was required to declare and swear on the faith of a Christian; but he was not called upon to declare that he himself was a Christian. He was required to swear to certain points of opinion, and to certain matters of fact; and the mode of swearing was to take an oath on the faith of a Christian. He (Lord Brougham) did not deny that a conscientious Jew felt it impossible to use those words; but what he meant to say—and on that point there could not be the least difference of opinion—was, that all the opposite arguments about a Christian Parliament, and all the vehement declamations about unchristianising the Parliament, were founded upon the gross legal blunder of supposing that the law as it at present stood said, " You Jews are ineligible to sit in Parliament—you shall declare that you are Christians before you are allowed to do so." This is absolutely and utterly untrue. The law says not one word or one syllable of the kind. It only says, you shall believe in the King's title to his Crown. What, then, became of all those arguments with which, he would not say they had been nauseated, but nine parts out of ten of which consisted in saying that the Legislature was a Christian Legislature, and that by sitting in the same company as Jews they would unchristianise it? Their Lordships had been warned that night not to pass the Bill, because such would be the consequence; they had been told that if the Bill received the Royal Assent, King, Lords, and Commons would be unchristianised. Now he need not say to their Lordships that they were not yet come to the point of being unchristianised; but what was to become of the unhappy House of Commons? Why, they were unchristianised already. Could the Commons come to the bar of that House by message, or in any other way, and by their words, acts, or desires, pretend to call themselves a Christian assembly? He did not know what would become of them; but assuredly it was not to be denied that we had a motley sort of legislation, half infidel, half Christian. Of Her Majesty he would only say might God long preserve Her in Her Christian character to reign over a tolerant and enlightened people! As for the Ministry, they were undoubtedly nearly as unchristian as the Commons. So that he was afraid they must stand before the world as half Christian, half Pagan —a Pagan House of Commons, and a perfectly Christian House of Lords. His noble

Friend behind him had alluded to the short-comings of the law to keep the Legislature Christian. The object of the existing law, said he, was to preserve the Christian character of the Legislature; but had that been done? Did the law prevent any one but Christians from sitting in Parliament? Did it exclude all who were not Christians from among them? No, no; it had the fault, the incorrigible vice of all such attempts at legislation, namely, to keep out the honest man and to let in the knave. The Jew had been described as a man who would jump over any oath to accomplish his object—as a time-server, a sordid selfish man, a hypocrite, and a knave. But if such were his character, would he object to taking the oath that would admit him into a Christian Parliament? The infidel and the worshipper of Juggernaut were admitted to take the oath; and why should the Jew be excluded, if he were willing to take the oath? In truth, it was not Jews to whom these declaimers on Christianity objected, but honest Jews, conscientious Jews—it was not Christians whom alone they would admit, but knaves and tyrants. Let an Israelite be ever so firm in his own faith, ever so warm an opposer of ours, let him but become an hypocrite as well as a Jew, and your doors fly open to receive him. But another most notable reason is given for alarm. It seems, according to the right rev. Prelate, the instant they admitted one or two Jews, or allowed the right of the Jews to sit in Parliament, they stopped their own mouths from afterwards ever saying one word in favour of Christianity. That by allowing the right of the Jews to sit among them, they gave a virtual pledge never to say a word unfavourable to the Jewish religion. It was no such thing. They gave no pledge of the kind. Had nobody said a word in favour of the Protestant Church in the House of Commons since that assembly had ceased to be an exclusively Protestant body? Had his noble Friend behind him (Lord Stanley) never raised his voice—his "still small voice"—in favour of the Establishment since that period? For his own part he could say, that he had made speeches against even the doctrines of the Roman Catholic Church since the admission of Roman Catholics into Parliament, and yet he had never been taunted with violating the principle of the Emancipation Bill. But his belief was, that a greater chimera had never crossed the human mind than the idea that because they admitted the Jews to the Legislature, they stopped their mouths from ever again saying a word in favour of Christianity, or against the Jewish doctrines. He would say most sincerely and conscientiously—God above forbid that he should see severed the Church and the State? He believed that such a severance would be injurious both to the Church and the State; but could any man hold that there was any risk whatever, that by passing this Bill, to which the House of Commons had already given its sanction, they were severing the Church and State? They had let in Dissenters who were opposed to all church establishments, while the conscientious Jew might have no such objection. But that was not all. They had let in Roman Catholics who were not only against the Establishment, but who were in favour of another establishment, which no Jew could be till the Temple were rebuilt—a thing which our own religion made us believe impossible. His belief was, that every step in the direction of freedom of conscience was favourable to the Church Establishment, and that they could not adopt a more safe course to promote its interests, than that of maintaining on all occasions the principles of a wise and tolerant Christianity. There was one fallacy in the arguments used by noble Lords who spoke against the Bill. They spoke as if there were a general exclusion by law and in practice of all but Christians from offices in the State. But that was not the case. There were many persons of the Hebrew persuasion whe held offices. He knew many who were ornaments to his own profession, and who might obtain offices usually held by members of it. He knew one Chancery barrister who might be one of those who might hereafter enter that House and take his seat upon the Woolsack, and hear causes, even though not a Member. He himself had heard a cause and put a question before he took his seat; so might any Jew Chancellor. He might even put the question to their Lordships whether they would legalise that measure which would enable him to descend from the Woolsack and take his seat as a Member in this or in the other House of the Legislature. The doctrine involved in the Bill was this—that all the rights of subjects, and all the privileges to which subjects were entitled—that all enjoyments of subjects, and all the prerogatives and powers of subjects—ought to be accessible to all the King's subjects, who were not debarred by personal disability. That was the doctrine of the constitution; and to say that a Jew, because of his religious belief, should be debarred from those rights, was one of the flimsiest and grossest fallacies that ever was uttered. But did he (Lord Brougham) therefore consider that the preservation of the Christian character of the Legislature was a matter of no importance? Or that they were by such a measure to quit the faith of their forefathers, and that which until now they had themselves professed? No such thing. He said, that Parliament must continue Christian, notwithstanding that they did justice to the Jews, as it had remained Protestant and Episcopalian, although they had done justice to Dissenters and to Roman Catholics. There was nothing in the Act which tended to unchristianise Parliament. This was a measure which he felt bound to support, in consistency with all the principles he had ever maintained, and to which the debate of this night had only confirmed his adhesion.

The BISHOP of OXFORD begged to be permitted to explain one point to which allusion had been made by the noble Lord who had just concluded. He was very sorry that he had been led, in the warmth of debate, to use an expression which had borne, as it seemed, an appearance of malice; but he really never meant any malice whatever. The expression had been brought out suddenly, by an expression used by the noble Marquess—by a word which had fallen from him. And he (the Bishop of Oxford) took the most public opportunity of saying, that he never entertained the smallest idea that the noble Lord the First Lord of the Treasury had been privy to any bribery whatever, or that any other noble Lord, Member of the Government, or otherwise, had been so. And, therefore, it was simply true of his noble Friend (Lord Brougham) to say, after starting himself into a gallop by indulging in a little abuse of him (the Bishop of Oxford), that he believed the expression had not been maliciously intended, and that he (the Bishop of Oxford) had had no malice in using it. In order, however, that there should be no misapprehension whatsoever, he (the Bishop of Oxford) should say that he heartily regretted having, in the midst of a great argument, been led into the use of a word which seemed malicious. He did not intend to slander the noble Lord, and he now begged leave to withdraw the words altogether.

The MARQUESS of LANSDOWNE replied: He had not misrepresented the noble Lord (Lord Stanley) when he said that he had voted for a Bill for the admission of the Jews. He voted for such a Bill in 1830, although he now saw cause for changing his opinions. With reference to the statement which he made as to the rights of the Jews, the right rev. Prelate (the Bishop of Oxford) had misunderstood his meaning. What he stated was, that the Jew, as well as every other subject of the Queen, when he became Her subject, had a right to be eligible to Parliament, if there was no sufficient reason shown to the contrary. And although the right rev. Prelate made light of the injury done to constituencies by the refusal of the House to receive the person whom they had chosen, he could assure him it was no slight grievance: the exercise of the right was one of those constitutional privileges which were dear to the people of this country, and had been the subject of controversy which had raised a flame from one end of the country to the other. He need not refer him to the Middlesex election; in that case the House of Commons were obliged to rescind the resolution by which they had endeavoured, for a quarter of a century, to deprive the country of this privilege. With reference to the London election, he could assure the House that not one shilling of the expenses of Lord J. Russell in that election were paid out of any other pocket than that of Lord J. Russell; and that it was the anxious desire of his noble Friend, during that election, to keep himself entirely separate from Baron Rothschild. In contending for the civil rights of his fellow-subjects, the last consideration of his noble Friend the Member for the city of London, would be one for his own personal advantage. The whole history of his life bore him out in that assertion; and it would be well if every person in that House or elsewhere would imitate his example. And the proof of approbation of his consistent efforts was shown by his election by the citizens of London, who had conferred on him the greatest honour it was in their power to bestow.

On question that the word "now" stand part of the Motion, House divided—Content, Present 96; Proxies 32:—128. Not-Content, Present 125; Proxies 38:—

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Abercromby
Acheson
Howard de Walden
Glenelg
Carew
Cloncurry
Hatherton
Mostyn
Monson
Stanley of Alderley
Dormer
Oriel.

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DUKES.
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Cholmondeley
Exeter
Downshire
Drogheda
Salisbury
Winchester.
EARLS.
Abergavenny
Aberdeen
Eglintoun
Aylesford
Bandon
Bathurst
Beauchamp
Brownlow
Cardigan
Cadogan
Cathcart
Cawdor
Charleville
Clanwilliam
Devon
Dartmouth
Delawarr
Desart
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Clare
Limerick
Glengall
Hardwicke
Harrowby
Harewood
Kinnoul
Howe
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Egmont
Lucan
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Mansfield
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Romney.
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De Ros
Delamere
Farnham
Feversham
Forester
Godolphin
Gray
Hawarden
Kenyon
Lilford
Middleton
Polwarth
Rayleigh
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Rollo
Sheffield
Sydney
Skelmersdale
Sondes
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Stanley
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VISCOUNTS.
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BISHOPS.
London
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BARONS.
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Grantley
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Rivers
Carteret
De Lisle.

Paired off.

AGAINST.	FOR.
Earl of Sandwich	Lord Elphinstone
Earl of Haddington	Lord Carrington
Marquess of Ailsa	Lord Willoughby de Eresby
Earl of Lauderdale	Lord Belhaven
Earl of Shaftesbury	Lord Beauvale
Lord Clonbrock	Lord Rossmore
Earl of Ranfurley	Lord De Freyne
Duke of Cambridge	Lord Stafford
Earl of Orkney	Duke of Bedford
Earl of Eldon	Lord Talbot de Malahide
Viscount Lake	Bishop of Durham
Earl of Enniskillen	Earl of Radnor
Earl of Rosslyn	Earl of Lovelace
Marquess of Ailesbury	Lord Langdale
Earl of Longford.	Viscount Exmouth.

Resolved in the *Negative.*

Bill to be read 2^a on this day six months.

House adjourned.

HOUSE OF COMMONS,

Thursday, May 25, 1848.

MINUTES.] NEW MEMBER SWORN. William Mordaunt Edward Milner, Esq., for York.

PUBLIC BILLS.—1^o Merchant Seamen's Fund; Metropolis Police; Light Dues.

Reported.—Public Health; Law of Entail (Scotland).

3^o and passed; Joint Stock Companies.

PETITIONS PRESENTED. By Mr. Colvile, from Derby, for the Issuing of the Writ for an Election for that Borough.—By Mr. Clay, from Hull, and by other Hon. Members, from several Places, for Extension of the Elective Franchise.—By Mr. Home Drummond, from Dumbarney, and its Vicinity, respecting *Quoad Sacra* Churches.—By Sir Joshua Walmsley, from Woodgate, Loughborough, for Discouragement of Idolatry (India).—By Lord G. Bentinck, from Lyme Regis, and by other Hon. Members, from a Number of Places, for Better Observance of the Lord's Day.—By Mr. J. B. Smith, from Dunfermline, for Abolition of Oaths.—By Mr. Bright, from the Presbytery of Lancashire, and by other Hon. Members, from several Places, in favour of the Places of Worship Sites (Scotland) Bill.—By Mr. Home Drummond, from Perthshire, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Octavius Morgan, from Vaynor (Brecon), for Rating Owners in lieu of Occupiers of Tenements.—By Mr. Hodgson, from Carlisle, respecting Spirit Licences.—By Sir De L. Evans, from Ratepayers of the Parish of St. Clement Danes (Westminster), for Revision of Taxation.—By Mr. Home Drummond, from Perthshire, for Alteration of the Banking Law.—By Mr. Romilly, from Devonport, for Alteration of the Law respecting Bankruptcy and Insolvency.—By Mr. Muntz, from Richard Gathorne Butt, praying the House to afford him its Protection.—From Ministers, Churchwardens, and Parishioners of East Donyland, Essex, against the Diplomatic Relations, Court of Rome, Bill.—By Lord Ashley, from Bath, for Suppression of Dog Carts.—By Dr. Bowring, from Lancaster, in favour of Secular Education.—By Mr. George Hamilton, from Stradbally, Queen's County, and several other Places, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Mr. Hornby, from Blackburn (Lanaster), for Extension of the Factories Act.—By Mr. Lockhart, from the Commissioners of Supply, Lanark, against the Law of Entail (Scotland) Bill.—By Sir T. Birch, from Working Porters of Liverpool, respecting Master Porters of the same Place.—By Mr. Alexander Hastie, from Glasgow, for Exemption respecting the Lunatic Asylums (Scotland) Bill.—By Sir J. Trollope, from the Board of Guardians of the Boston Poor Law Union, for Alteration of the Law respecting Mendicancy.—By Mr. Duncan, from Dundee, for Amendment of the Poor Law (Scotland).—By Captain Fordyce, from the City of Old Aberdeen, for Extending the Public Health Bill to Scotland.—By Lord Ashley, from the Town of Keighley, in the West Riding of Yorkshire, in favour of the Public Health Bill.—By Colonel Matheson, from the Town Council of the Royal Burgh of Forres, suggesting the granting of Loans on Railways (Scotland).—By Mr. J. Matheson, from the Parish of Kilmuir Easter, Ross-shire, against the Registering of Births, &c. (Scotland) Bill (1847); and Marriage (Scotland) Bill (1847).—By Admiral Gordon, from the Presbytery of Alford, against Schoolmasters (Scotland) Bill.—By Lord Ashley, from Bath, for Inquiry into the Slave Trade.—By Mr. William Lockhart, from Commissioners of Supply of the County of Lanark, for Completion of the Survey of Scotland.—By Mr. Fuller, from Trustees of the Turnpike Road leading from Beech Down, near Battel, to Heathfield (Sussex), for Alteration of the Law for Regulating Turnpikes.

DIPLOMATIC RELATIONS WITH SPAIN—THE BRITISH AMBASSADOR.

MR. BANKES: I have to ask the noble Lord the Secretary for Foreign Affairs whether he is prepared now to lay on the table of the House any further papers relative to the late transactions in Spain, which have terminated in the order for our Ambassador to quit the Court of Madrid within eight-and-forty hours?

VISCOUNT PALMERSTON: I have already laid certain papers connected with the subject upon the table of the House, and it is my intention to lay upon the table certain other papers. The further selection I have made is in the hands of the printer. I shall not be able to produce them to-night; but I hope that they will be ready by to-morrow. Such of those papers as consist of despatches from Sir Henry Bulwer, received previously to the date of the instructions of the 16th of March, with two notes which passed between him and the Duke of Sotomayor relative to a personal question, I have not already presented, the more especially as an explanation was in progress respecting them. But I have given directions for the printing of some other correspondence between the date I have specified, and that at which the notice was received, ordering Sir Henry Bulwer to quit Madrid. These papers will be included in the correspondence.

MR. BANKES: I have received an intimation on the part of Sir Henry Bulwer to the effect that he is apprehensive, should my Motion be brought on to-morrow, that the discussion will be disadvantageous for him. I beg to state that my intention was in no degree to reflect, in bringing forward this question, on the conduct of our Ambassador at the Court of Madrid. My intention was only to raise the question relating to the instructions which he has received, and it was my purpose to confine my attention to the correspondence laid upon the table extending to the 20th of April. Up to that period the conduct of our Ambassador had received the full and entire approbation, not only of the noble Lord the Secretary for Foreign Affairs, but of the whole of the Cabinet. It is, therefore, in my view of the case, in no way affecting the character of the Ambassador at the Court of Madrid that the House of Commons should pronounce an opinion as to the instructions which he obeyed. I understand, however, from the noble Lord the Foreign Secretary, that certain communications are to be laid before us of a date prior to these instructions. These papers may alter the view of the case which I shall take, although I am not aware that they will. The conduct of the Ambassador was without impeachment up to the date of which I have spoken; but as I am aware that a debate when commenced is not always carried on according to the views and in the tone of the person commencing it, I cannot say but that in the course of such a debate the conduct and character of Sir H. Bulwer might be called in question. Understanding, then, that such is also the feeling of that Gentleman, I of course cannot but yield to it, as communicated to me, forming in fact, as it does, the wish of one Gentleman with respect to the course to be pursued by another. I shall, therefore, postpone my Motion until the next day of supply, leaving, however, my notice as it stands upon the Paper. If, however, the noble Lord at the head of the Government will give me a day for bringing this great and interesting question forward, that, I should say, is a fit mode of considering a topic of such gravity as this has become. I, a humble Member, can have no other opportunity but that of which I have availed myself; but if a day be given to me, I could more readily bring forward the question than in the other way.

LORD J. RUSSELL: It is for the hon. Gentleman to judge whether he will bring forward his Motion to-morrow or not. It is the intention of Her Majesty's Government to go into Committee of Supply to-morrow evening, and the hon. Gentleman can then bring forward his Motion, if he should so think fit. Sir Henry Bulwer has intimated to the hon. Gentleman that he thinks it only fair that his conduct should not be made matter of discussion until the further correspondence on the subject be produced. So far as Government is concerned, they are perfectly ready to meet the hon. Gentleman to-morrow, if he should think fit then to bring forward his Motion. If he should not think fit to do so, having had an opportunity, then I am not able to say that I can fix a day for him. I do not intend to give up the great question of the navigation laws. Probably a day will be found when the hon. Gentleman can bring forward his Motion; but I cannot give any promise, or make any engagement upon the subject.

MR. DISRAELI: I do not think the House can blame Her Majesty's Government for not furnishing us with the papers before next Saturday. But it is to be desired that no great time should elapse, after these documents have been laid on the table, before the discussion takes place. At the same time, it is very unsatisfactory, if we are to understand that the only chance of these documents being critically examined by the House should depend upon the necessity or caprice of the Government in fixing a Supply night. I am sure that there is no wish on this side of the House to retard the important business in charge of the Administration; but I do think that the noble Lord, when he considers the whole of the circumstances connected with the case, will feel that it is not more than is expected by the House and the country, should he hold out some early prospect of a full discussion.

LORD J. RUSSELL: I have no doubt that, after the discussion on the navigation laws, which commences on Monday, and which I am not willing to postpone, there will be a day when we shall propose to go into Committee of Supply; but, as I said before, I am not the least anxious that the hon. Gentleman should postpone his Motion, if he wishes to bring it on to-morrow.

Viscount MAHON: The alternative put to us seems to be either to discuss this question without the documents, or not to discuss it at all. This, I say, is not a choice which Government ought to put before the House. Without expressing any opinion on the transaction itself, I may say it is quite plain that it is a transaction of no ordinary character; therefore I do think it would not be unbecoming the position of the noble Lord in this House, were he to hold out some prospect of a definite day for the discussion of the question, when all the documents shall have been laid before the House.

Lord J. RUSSELL: I repeat I cannot name a day.

Mr. BANKES: I am aware that it is very material to have the matter arranged, so far as the noble Lord will permit it; and as it is manifestly inconvenient that further discussion should take place until the papers shall have been produced and considered, I cannot, therefore, take it upon myself to force on the debate to-morrow; but I trust that the noble Lord, on reconsidering the question, will feel that it is one of so important a nature, that he ought, for the sake of the Government, and the honour of the country, not to seek its postponement to a distant day.

WORKHOUSE OF CASTLEBAR.

Mr. BOURKE inquired of the right hon. Gentleman the Secretary for Ireland "whether it be true that a sheriff's sale of all the furniture and clothing has taken place in the workhouse of Castlebar; and what provision has been made by the vice-guardians for the support of the poor of that union since the period of said sale?"

Sir W. SOMERVILLE admitted that all the effects and furniture of the workhouse had been sold except the beds. The difficulty in obtaining payment of rates led to this catastrophe. He was happy, however, to be able to add, that the vice-guardians had made such arrangements as enabled them to retain the paupers in the house.

WEST INDIES.

Mr. GOULBURN said, there was a difficulty in obtaining information with respect to the state of the island of Jamaica. Two days ago a packet arrived which conveyed to private individuals accounts as to the distress under which Jamaica was labouring; and he wished to ask the hon. Gentleman opposite (Mr. Hawes) if any information had been received by the Government as to the state of that island?

Mr. HAWES, in reply, said, that by the packet that arrived the day before yesterday no information was received relative to the state and condition of Jamaica; but he contemplated in a few days laying some additional papers on the state of the West India colonies before the House; and if in the mean time anything further should arrive, of course it would be his duty to place it also before the House.

DENMARK AND PRUSSIA.

Mr. P. HOWARD: Seeing the noble Secretary for Foreign Affairs in his place, I beg to ask whether he is now, or will be at a future day, prepared to say what progress has been made in the negotiation with respect to the mediation of this country between Denmark and Prussia, or rather, I should say, between Denmark and the confederated German Powers?

Viscount PALMERSTON: I am quite willing to give the information to my hon. Friend now, as far as it is consistent with the duty of a person engaged in any negotiation to do so. I think I may state that there is a disposition on both sides to consider proposals that might lead to an amicable termination of the negotiation. Of course, I cannot pretend to answer for the result; but I may state this fact, that while on the one hand the Danish Government have taken off some of the blockades which they began by imposing, on the other hand I have been informed within the last hour that the Prussian Government does not mean to enforce the order made by General Wrangel, for levying a forced contribution on Jutland: there appears, therefore, to be a desire for conciliation on both sides.

PUBLIC HEALTH BILL.

On the Motion for the House to go into Committee on this Bill,

Mr. SPOONER rose to move that the Committee be postponed for a fortnight. His reason for making that Motion was, that several deputations from influential persons connected with waterworks companies had had interviews with the noble Lord opposite before the Bill went into

Committee, at which interviews the noble Lord pledged himself that certain clauses, having for their object the protection of water companies, should be introduced into the Bill. Those clauses were printed, and laid before the House, and yet they were withdrawn by the noble Lord without discussion, and without explanation. This appeared upon the face of it to be so much like a breach of faith, that he felt it was his duty to move that the Committee be postponed for a fortnight, in order that a full explanation of the matter might be given by the noble Lord.

Viscount MORPETH said, it did not appear to him that the course he had pursued in Committee on this Bill was at all open to the charge of a breach of faith. In the course of the discussion in the Committee, it appeared to the Committee desirable that no powers for the compulsory purchase of any waterworks should be taken; and those powers were consequently struck out of the Bill. Under these circumstances, he did not consider it necessary that the clauses defining the conditions upon which such compulsory purchase should be made were necessary, and therefore they were withdrawn. He was quite prepared, after the clause in which power was given to the local boards to construct waterworks, namely, the 66th Clause, to introduce a proviso that no such waterworks shall be laid down or constructed in any town where there was already a waterworks company in existence, without the consent of the proprietors of such waterworks being first obtained. He certainly would not recommend the hon. Gentleman to press any discussion upon the clauses to which the hon. Gentleman had referred, as in that case there would probably be far greater objections offered by the House to them than had hitherto been expressed.

Amendment withdrawn.

House in Committee.

Bill went through Committee.

House resumed.

Report received, and ordered to be printed.

JOINT STOCK COMPANIES BILL.

The Joint Stock Companies Bill read a Third Time.

Mr. HEADLAM moved the introduction of the following clause:—

> "And be it enacted, That after an order absolute shall have been made, execution shall not issue against any contributories of the company at the suit of any creditor, in respect of any debt due from the company, unless on motion to the Court of Chancery, leave to that effect being given; and that upon such motion it shall be lawful for the Court of Chancery either to permit execution immediately to be issued, or to suspend the same for such period and upon such terms as the said court shall, in its discretion, think fit, regard being had both to the proceedings pending under this Act, and to the conduct of the shareholder against whom execution is sought to be enforced in obeying the same."

Clause read a first time.

On the question that it be read a second time,

Mr. T. M. GIBSON said, that the Bill was simply for the purpose of giving shareholders the power of settling their own equity differences, and therefore it had nothing whatever to do with creditors. Under these circumstances he must oppose the clause.

House divided on the clause:—Ayes 9; Noes 94: Majority 85.

List of the Ayes.

Bunbury, E. H.
Dundas, G.
Farrer, J.
Forster, M.
Hutt, W.
Ogle, S. C. H.
Ord, W.
Spearman, H. J.
Wawn, J. T.

TELLERS.

Headlam, T. E.
Aglionby, H. A.

[It seems sufficient to publish the names of the Minority.]

Bill passed.

LAW OF ENTAIL (SCOTLAND) BILL.

House in Committee.

On Clause 2 (heir in possession under an existing entail, born after March 1, 1848, may disinherit, &c.), being proposed,

Mr. D. MACNEIL said, he thought it would very much have simplified the measure if the same powers had been given to present as to future heirs.

Mr. FORBES MACKENZIE moved the omission of the clause.

The Committee divided on the question, that the clause stand part of the Bill:—Ayes 87; Noes 19: Majority 68.

List of the Ayes.

Acland, Sir T. D.
Aglionby, H. A.
Baines, M. T.
Bellew, R. M.
Bentinck, Lord G.
Blackall, S. W.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bright, J.
Brockman, E. D.
Brown, W.
Buller, P. S.
Buxton, Sir E. N.
Cholmeley, Sir M.
Clay, J.
Clements, hon. C. S.
Clive, H. B.
Cobden, R.
Cocks, T. S.
Conyngham, Lord A.
Cowper, hon. W. F.
Craig, W. G.
Cubitt, W.
Dalrymple, Capt.
Davie, Sir H. R. F.
Duncan, G.
Duncuft, J.
Elliott, hon. J. E.

Freestun, Col.
French, F.
Glyn, G. C.
Greene, J.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hanmer, Sir J.
Hastie, A.
Hawes, B.
Hayter, W. G.
Headlam, T. E.
Heneage, E.
Hobhouse, rt. hon. Sir J.
Hume, J.
Hutt, W.
Jervis, Sir J.
Keogh, W.
Keppel, hon. G. T.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lewis, G. C.
Lincoln, Earl of
Macnamara, Maj.
Maitland, T.
Martin, S.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Mitchell, T. A.
Morris, D.
Mostyn, hon. E. M. L.
Paget, Lord A.
Paget, Lord C.
Parker, J.
Patten, J. W.
Perfect, R.
Pinney, W.
Pugh, D.
Pusey, P.
Reynolds, J.
Romilly, Sir J.
Rutherfurd, A.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, J. A.
Smith, J. B.
Smollett, A.
Somerville, rt. hn. Sir W.
Talbot, C. R. M.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Trelawny, J. S.
Tynte, Col.
Ward, H. G.
Watkins, Col.
Wood, rt. hn. Sir C.
Wood, W. P.
Wortley, rt. hon. J. S.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Boldero, H. G.
Clerk, rt. hon. Sir G.
Cobbold, J. C.
Coles, H. B.
Colvile, C. R.
Drummond, H. H.
Dundas, G.
Filmer, Sir E.
Forbes, W.
Godson, R.
Heneage, G. H. W.
Henley, J. W.
Hope, Sir J.
Lockhart, W.
M'Neill, D.
Neeld, J.
Newdegate, C. N.
Rufford, F.
Vyse, R. H. R. H.

TELLERS.

Mackenzie, W. F.
Oswald, A.

On Clause 3 being proposed,

MR. BOUVERIE moved an Amendment to the effect that the consent of three substitutes, instead of four, should be sufficient for the cutting off the entail.

MR. F. MAULE said, he was not one of those who wished to see a great amount of entailed estate brought into the market under this Bill; but he wished to see such arrangements made, under entails in Scotland, as should disburden estates of their present incumbrances, and lead to the laying out of money upon them. He was not unwilling to accept the Amendment.

Committee divided on the question, that the word "four" stand part of the clause:—Ayes 17; Noes 86: Majority 69.

List of the AYES.

Archdall, Capt. M.
Clerk, rt. hon. Sir G.
Coles, H. B.
Drummond, H. H.
Fellowes, E.
Filmer, Sir E.
Henley, J. W.
Hodgson, W. N.
Lygon, hon. Gen.
Mackenzie, W. F.
M'Neill, D.
Melgund, Visct.
Neeld, J.
Neeld, J.
Scott, hon. F.
Stafford, A.
Verner, Sir W.

TELLERS.

Forbes, W.
Lockhart, W.

[It is unnecessary to repeat the Majority.]

Clause as amended agreed to.

House resumed.

Report brought up.

Bill to be reprinted.

House adjourned at a quarter past One.

HOUSE OF LORDS,

Friday, May 26, 1848.

MINUTES.] PUBLIC BILLS.—1^a Joint Stock Companies; Protection of Females.

PETITIONS PRESENTED. From several Lodges of the Independent Order of Odd Fellows, for the Extension of the Benefit Societies Act to that Order.—By the Bishop of Oxford, from Colchester, Braintree, and Bunbury, for the Adoption of Measures for the Suppression of Seduction and Prostitution.—By Lord Portman, from Axbridge Union, for an Alteration of the Law respecting the granting of Relief to Casual Poor.—From Marden, against granting any further Concessions to Roman Catholics, and for the Imposition of the Severest Penalties on all those Roman Catholic Priests who shall Denounce Persons from the Altar.—From Hallkirk, for Facilitating the Attainment of Sites for Churches.—From the Presbytery of Brechin, against the Marriage (Scotland) Bill, and Registering Births, &c. (Scotland) Bill.—By Lord Kinnaird, from the Managers and Subscribers of several Charitable Institutions, to be Relieved from the Payment of Legacy Duty on Bequests made to them.

PROTECTION OF FEMALES BILL.

The BISHOP of OXFORD laid upon the table of the House a Bill for the better prevention of the seduction of women. According to the law as it now stood, if persons conspired for purposes of seduction they were subject to certain penalties. He proposed by the Bill which he held in his hand to extend those penalties to any individual who, for hire or reward, assisted in the crime of seduction. He had no idea that morality could be much promoted by the introduction of any Bill into Parliament, but he thought it was the duty of the Legislature to throw its protecting influence around all who stood in need of it. He hoped their Lordships would now read the Bill a first time; on the second reading he should state more particularly, and more in detail, the grounds on which he intended to recommend the measure to their Lordships' favourable consideration.

Bill read 1^a.

House adjourned.

HOUSE OF COMMONS,

Friday, May 26, 1848.

MINUTES.] PUBLIC BILLS.—2^o Qualification and Registration of Electors (Ireland); Elections and Polling Places (Ireland); Tobago, Relief and Immigration into British Guiana and Trinidad.

3° and passed; Collectors of Cess (Ireland).

Petitions Presented. By Mr. Cockburn, from Southampton, for an Extension of the Elective Franchise.—By Captain Pechell, from Brighton, for Repeal of the Ratepaying Clauses in the Reform of Parliament Act.—By Mr. Cobden, from Members of the Baptist Congregation, Manfield, for Discouragement of Idolatry (India).—By Lord Harry Vane, from Members of the Congregation of Independents of the Town of Hartlepool (Durham), and by other Hon. Members, from several Places, for Better Observance of the Lord's Day.—By Viscount Castlereagh, from Members of the Presbyterian Congregation of Anahill (Downshire), and by other Hon. Members, from several Places, in favour of the Places of Worship Sites (Scotland) Bill.—By British Electors and Non-Electors, for Revision of Taxation.—By Mr. Ewart, from Journeymen Bakers of Dumfries, and its Neighbourhood, for Shortening their Hours of Labour.—By Colonel Mure, from the Commissioners of Supply of the County of Renfrew, for Alteration of the Banking Law.—By Mr. Romily, from Merchants and Others, of the Borough of Devonport, for Alteration of the Bankruptcy and Insolvency Law.—By Mr. Cobden, from William North, of 25, Camp Road, Leeds, respecting Depredations committed by Killing Cattle, Sheep, &c.—By Sir John Hope, from the Commissioners of Supply of Edinburgh, in Favour of the Law of Entail (Scotland) Bill.—By Mr. Duncan, from the Committee of Management of the Parish of Dundee, against, and by Captain Fordyce, from the President and Managers of the Infirmary of Aberdeen, for, Alteration of the Lunatic Asylums (Scotland) Bill.—By Viscount Bernard, from the Grand Jury of the County of Cork, respecting the Municipal Corporations (Ireland) Bill.—By Mr. Loch, from the Royal Burgh of Kirkwall, for Ameliorating the Condition of the Parochial Schools (Scotland).—By Mr. Henley, from Burford, Oxfordshire, for an Alteration of the Poor Law.—By Sir H. Smyth, from Colchester, for Alteration of the Law as regards Promiscuous Intercourse.—By Mr. George Thompson, from the Parish of St. Luke's, Middlesex, for Alteration of the Public Health Bill.—By Sir Thomas Birch, from Liverpool, for a Repeal of the Duties on Horses and Carriages used for Funeral Purposes.—By Mr. A. E. Lockhart, from the Commissioners of Supply of the County of Selkirk, for Completion of the Survey of Scotland.

SEIZURE OF PIKES, &c. IN IRELAND.

Captain HARRIS rose to ask the Secretary of State for the Home Department, whether it were the intention of Her Majesty's Government to avail themselves of the large military force now in Ireland, and by introducing a measure for the search and seizure of pikes, to provide for the security of that part of the United Kingdom. He wished to know, now that the resources of civil law and moral power were failing the Government, whether they were prepared, by taking the pikes out of the hands of mischievous rebels, to prevent the shedding of blood in civil warfare, and to give confidence to the loyal portion of the population, thus restoring tranquillity to society, and vigour and energy to trade.

Sir G. GREY must remind the hon. and gallant Gentleman, that in the early part of the Session an Act was passed for the prevention of crime and outrage in Ireland, and that the Lord Lieutenant may, by the proclamation of any district, place it under the provisions of that Act—provisions which include the power of seizing arms. That Act being now law, it was not in the contemplation of Government to adopt any additional measure upon the subject.

PUBLIC RETRENCHMENT.

Mr. HUME was anxious, before going into Committee of Supply, and voting more money, to ask the Government whether they could state to the House how they intended to make up the deficiency in last year's revenue—a deficiency of no less than three millions. [*Laughter.*] Hon. Gentlemen might laugh, but if they had to supply that deficiency they would laugh on the wrong side of their mouths. He rose, however, to offer to the Government a suggestion, and that was, that they should, without delay—seeing the state in which the income and expenditure of the country was — themselves undertake the reduction of that portion of the outlay which it was known could be dispensed with—at any rate, this House ought not to vote money unless Government were to tell them how they meant to provide the means. Hon. Gentlemen would see by a Bill this morning put into their hands, that the sum of 60,000*l.*, to be paid by a railway company, was to be expended upon certain alterations and improvements in the vicinity of Windsor—upon bridges to be built—upon old roads to be stopped up, and new roads formed on the royal property there—alterations which would, he believed, cost 100,000*l.*, instead of 60,000*l.*, before they were completed. Now, considering the present state of the public finances, he did submit to the House that it was rather forgetting their duty thus to set the candle burning at both ends at once. Buckingham Palace had cost 850,000*l.*; and on Windsor Castle, in his own time, 1,500,000*l.* had been laid out. The Woods and Forests ought not to forget, that although they had the management of the Crown revenues, these funds no more belonged to the Crown than they did to him. They were public property, just as much as the public property raised by taxes. He did not, therefore, see why Bills should be introduced as was that in question. They were going quite wild in allowing expenses to accumulate in this manner. With respect to this last measure, he intended to move for a report to be laid on the table specifying the exact nature of the works to be performed, and their estimated expense. Setting that subject aside, however, he had an objection to vote a single shilling until they had had the reports of the Committees appointed to investigate into our several branches of expenditure. They must not let matters go on so—they must look to pounds, shillings, and pence. It was absolutely necessary to stave off a national bankruptcy.

The CHANCELLOR OF THE EXCHEQUER said, that his hon. Friend had expended a great deal of virtuous indignation against a Bill not before the House, and which was not intended to entail upon the country the expenditure of a single shilling of public money. The fact was, that a certain portion of Crown property had been given up to a railroad company in consideration of the payment of a sum of 60,000*l.*, which was to be laid out in the improvement of other property belonging to the Crown. All that he proposed to do in Committee of Supply to-night was, to take certain votes absolutely necessary for carrying on the public service. What reductions could be made in the amount now expended, might, when they had the reports of the various Committees before them, be fairly discussed; but at present he only asked for such votes on account as were absolutely necessary for the carrying on of the public service.

Mr. BRIGHT was of opinion that the Chancellor of the Exchequer had not made himself perfectly understood in his reply to the observations of the hon. Member for Montrose. The Chancellor of the Exchequer stated the sum of money proposed to be expended at Windsor did not involve the expenditure of any public money; but it appeared the 60,000*l.* in question was to be contributed by certain railway companies as compensation for passing over some Crown lands which in reality belonged to the public. If these lands were public property, the money paid for leave to pass over them must belong to the public. If not, he did not see why this Bill was necessary. Whatever money was expended, should be expended after proper consideration, and on proper estimates. There was a feeling abroad that the House encouraged a spirit of increasing extravagance, not only in this, but in every Government, to which they were desirous to see some check.

Viscount MORPETH explained that the money was given by these railways for certain concessions, which otherwise the Crown could not be called upon to give. The Crown was about to throw open grounds which were under its exclusive control, and which could no more be thrown open without its consent than the hon. Member's garden. For that consent the railway companies proposed to advance certain sums, which, under the provisions of the Windsor Improvement Bill, would be laid out in a manner to conduce to the comfort of the Queen, and to the convenience and accommodation of the inhabitants of Windsor.

DIRECT TAXATION.

On the Motion that the House should go into Committee of Supply,

Mr. EWART rose to move—

> "That the present system of disproportionate indirect taxation is injurious to the commerce and manufactures and unjust to the working classes of this country. That the establishment of a more direct system of taxation on realised property would relieve trade and manufactures, and be eventually beneficial to all classes of the community."

He felt deep disappointment that, during the course of last year, Her Majesty's Government had not thought proper to consider the question, which claimed their full consideration, as much as any that could be brought before them. The example of the right hon. Baronet (Sir R. Peel), who had made such useful and extensive alteration, should stimulate them to follow it up; but he regretted to say they had not done so, while it was evident the public were fully alive to the importance of the subject. In Manchester and Liverpool societies were organised for the express purpose of reforming the present system of taxation; and the Committees of the House, who had considered the question, had reported in favour of direct taxation, more particularly those which had been appointed to inquire into the tobacco and tea trade, and that which reported on our relations with China last year. The general feeling of the country was against the excise duties; and the people thought the time must soon come when the oppressive effects they exercised on the manufactures of the country should be fully and fairly considered. Many of those duties had been abolished; and he trusted to hear from Her Majesty's Government that they were about to take off the shoulders of the people such a strong cause of discontent as those which yet remained. It was from a deep conviction that the Government would bring in no measure to benefit the people, so much as that which would prove a practical reform of a practical grievance, that he had placed this Motion on the Votes of the House, and thus called the attention of the Government to this most important subject.

The CHANCELLOR OF THE EXCHEQUER must do the hon. Member the justice to say, that he had been uniformly the advocate of his present opinions; for himself, he agreed with the hon. Member in thinking it highly desirable to obtain a practical result from any measure which might be introduced, rather than an empty discussion; but the hon. Gentleman would remember that during the last two years very large reductions in indirect taxation had been effected, and that the measures which had since been passed on this subject had been in the shape of direct taxation. It was hardly necessary to say the measures of the right hon. Baronet (Sir R. Peel) had relieved this country from many kinds of indirect taxation; but he could not say that the plan of direct taxation he (the Chancellor of the Exchequer) had proposed had been so fortunate as to secure the approbation of the House, nor had he, on that occasion, such a prospect of success as could induce him to bring in any large measure of a similar character. He preferred the reduction of duties to their total abolition; but, in answer to the Motion of the hon. Member, he could only say it was not in his power to hold out any expectation of a reduction in the amount of direct or of indirect taxation. He was not prepared to make a retrograde step, for he did not approve of it, but at the same time, he could not go forward.

Question not put.

EXPULSION OF THE BRITISH MINISTER FROM MADRID.

Mr. HERRIES said that, as the Chancellor of the Exchequer had adverted to the Motion of his hon. Friend the Member for Dorsetshire, relative to the strange occurrences in Spain, which had excited so much attention, he would take the opportunity of asking the noble Lord at the head of the Foreign Department, or any Member of the Government, whether the papers which would be presented to-day would be in the hands of Members to-morrow; and, further, whether it was intended that those papers should convey to the House all the explanation and information which the Government thought it necessary to give respecting those most extraordinary occurrences; or whether they intended to furnish the House, upon some early occasion, with further explanations of the conduct of the Government, or of the British Minister at the Court of Spain? He should imagine that Ministers must themselves be burning with anxiety for an occasion to relieve themselves from the suspicion, at least, which attached to them on account of these extraordinary transactions. All that was known at present was, that a British Minister representing the interests of his country at the Court of Madrid, had been, if not ignominiously, at least unceremoniously ejected from Spain. He believed he might confidently state that such a thing never before occurred in the history of the diplomacy of this country. Never before, except with reference to immediate war, had a British Minister received a peremptory notice to quit the capital of a friendly State. Such an extraordinary event threw upon the Government the onus of explanation, and it was most desirable that they should lose no time in making their explanation to Parliament. The hon. Member for Dorsetshire was most anxious to bring the question under the consideration of the House; and every Member of the Government ought to be equally anxious to explain to Parliament the whole course which the Government had taken with reference to this unfortunate transaction.

The CHANCELLOR OF THE EXCHEQUER said, it was unfortunate that the right hon. Gentleman had not taken the opportunity of asking his questions when his noble Friend the Foreign Secretary was in his place, which he had not left more than ten minutes, because the right hon. Gentleman would then have obtained a more satisfactory answer than he could give him. He understood that his noble Friend purposed laying on the table of the House those papers which he thought it necessary to produce, with a view to enable the House to form an opinion upon what had taken place. The Motion of the hon. Member for Dorsetshire had not been postponed at the request of the Government; they were perfectly ready to meet it. All he wished to say was, that the Government did not shrink from explanation.

Mr. DISRAELI was rather surprised at what had fallen from the right hon. Chancellor of the Exchequer. Originally the hon. Member for Dorsetshire gave notice of his intention to call the attention of the House to the documents connected with this subject which had been laid upon the table by Ministers; but the Chancellor of the Exchequer seemed to have entirely forgotten that, subsequently to the presentation of those documents, it appeared from publications in the Spanish newspapers that a most important document had been omitted from those laid before the English Parliament. What could be more natural on the part of the hon. Member for Dorsetshire than to decline to bring forward the question when the documents relative to it were incomplete, and when, too, the noble Lord at the head of the Foreign Department announced, on the same evening, his intention of producing other papers which could not be in the hands of Members until the morning after the intended discussion would have taken place? Under all the circumstances of the case, it was rather surprising that Ministers should now say that they were ready to meet the question, and that the hon. Member for Dorsetshire shrunk from the combat. Ministers, then, upon their own showing, were ready to meet the question, knowing all the time that the House was not in possession of the documents upon which the decision of the question must depend.

Mr. HERRIES said, that he would gladly have put his question when the noble Secretary for Foreign Affairs was present, but other business then occupied the attention of the House, and before it was concluded Her Majesty's Secretary of State for Foreign Affairs had disappeared. It was not his (Mr. Herries's) fault that he did not propose the question to the noble Lord himself.

SUPPLY—NAVY ESTIMATES.

House in Committee.

Mr. WARD intended to propose a vote on account, under three different heads, without taking the whole estimate for any one of them. The first vote he had to ask for was a sum of 300,000*l.*, on account of wages, &c., of seamen for the year ending 31st of March, 1849.

Captain HARRIS said, in reference to the fitting out of line-of-battle ships as flag-ships on foreign stations, that he had observed that the Admiralty had sent out to the West Indies and East Indies as flag-ships two line-of-battle ships. They had given to the West Indies the *Wellesley*, a ship he knew well enough, having himself once belonged to her. She was one of the worst ships and one of the dullest sailers in the service. He would just suggest to the Lords of the Admiralty the probability that in the event of a war, that ship, if left on the West India station, would find itself in the same predicament as was the flag-ship in which he (Captain Harris) served in the West India Islands. In 1840 he served on board the *Winchester*, a heavy frigate, stationed as a flag-ship in the West Indies. It was during the administration of M. Thiers, and at a time when there was a great apprehension of a breach between France and this country. The French collected, from different ports in the world, no less than five heavy double-banked frigates, and sent them to Martinique. Now, supposing such a case to occur again, this country would have the old *Wellesley* in the same situation as the *Winchester*, and she would be a match for little more than one of those frigates; whereas, a ship like the *Vanguard*, in the hands of an able seaman like Lord Dundonald, and well manned, would, both in sailing and working, be a match for three of those heavy frigates. It appeared to him that for the sake of a little economy, perhaps to the amount of some 3,000*l.* or 4,000*l.*, they were putting the country to the risk of sustaining a very severe loss, if not disgrace, by sending out ships which in the event of the breaking out of a war might be called upon to cope with a very disproportioned force. He observed also that the *Hastings*, a ship of the same class, had been sent to the East Indies with the flag of Sir Francis Collier, while the Americans had sent out to the same station several line-of-battle ships, all heavy ships, some of them 90 gun ships, and some carrying 100 guns on the two decks. The *Hastings*, it must be obvious, could not by any means be a match for ships of that kind. He would urge on the Admiralty the consideration whether it would not be prudent and advisable to send out to those stations some heavy line-of-battle ships more commensurate with the services which they might be called upon to perform.

Admiral DUNDAS said, the great object of the Board of Admiralty was to wear out the old ships. The two flag-ships had been sent out to relieve the two frigates that were stationed as flag-ships in the West and East Indies. He must say that the two ships so sent out were remarkably good ones; and he could assure his hon. and gallant Friend that if the Government should happen to hear of any squadron being about to be fitted out by any other nation, this country would be perfectly prepared to meet it.

MR. HUME said, there was one class of persons connected with the Navy whose case he was anxious to call attention to; he meant the class of assistant surgeons. It might not, perhaps, be generally known that those persons were required to possess far higher qualifications than was necessary for those who derived their powers to practise from the College of Surgeons. It was necessary that they should attain an efficiency in three or four branches of knowledge beyond what was required by the colleges in Edinburgh and in London; and yet these assistant surgeons when put on board ship were compelled to associate with mere boys; they were placed among young midshipmen, and were in no respect treated as gentlemen of acquirements ought to be. The House would be surprised when he told them of the fact that a week ago there was not a single assistant surgeon a candidate for the Navy—not one. If Sir W. Burnet, a man whose whole life had been devoted to impart the highest qualifications to the profession—if he had been asked to provide an assistant surgeon for any ship, he would have been compelled to admit that there was no candidate for the appointment. Such was the reluctance, nay, the aversion of professional men to enter the naval service in the capacity of assistant surgeons. This arose entirely from the neglect shown by the Admiralty to the application made on the part of the assistant surgeons five years ago. Since that application was made, the Admiralty had put an assistant engineer in the same position as the lieutenants, the very situation in which they said they had no accommodation for a medical man. There was no other branch of the service, above the rank of a private, in which there were not candidates innumerable for vacant situations; and he submitted this subject was worthy of being taken into consideration by the Admiralty.

CAPTAIN BERKELEY said, that the Board of Admiralty were willing to do everything they possibly could to provide good surgical assistance for the Navy; and this was the first time he had ever heard of there being any difficulty in getting assistant surgeons. With regard to what the hon. Member for Montrose had stated about accommodation having been provided for an assistant engineer, the hon. Member should bear in mind that an assistant engineer was not wanted in a sailing ship, and that if he had a cabin in a steamer, it did not interfere with the gun-room arrangements. But it would be totally impossible, if an assistant surgeon were obliged to go into a small brig, to provide him with a cabin; and the consequence of yielding to the suggestion made by the hon. Member would be to make these young men shirk an unpleasant duty, as well as require more pay. if they went into the ward-room. He must say for himself, and for those with whom he now acted, that he thought it would be of the greatest possible injury to the service, if the Admiralty were to put these young men over the heads of the mates, who were in all respects their superior officers.

MR. COBDEN: I am anxious to take this opportunity, the first which has been afforded me, of recurring to a subject which was discussed on a former occasion, but to which, though in some degree personal to myself, I should not have adverted, if it did not also relate to the efficiency of the public service. It may be remembered by some hon. Gentlemen, that, on a former occasion, a reference was made to a statement which I uttered in Manchester on the subject of the time during which line-of-battle ships lie in harbour at Malta. I was speaking at Manchester in the midst of a number of personal friends, and I told them that I had gone from Malta to Egypt and back again, and found the same ship lying in the harbour of Malta which was there when I set out. In saying so, I referred to a period dating several years back; and that statement of mine was laid hold of, as if I had said that such was the custom of line-of-battle ships now; but those to whom I spoke were well aware that I was in Egypt ten or eleven years ago. No one would attribute to me so much folly as to make a public statement of what I knew to be false, and which was sure to be contradicted. In consequence of the quarter-deck sort of contradiction—though given with all good humour—which I received from the gallant Admiral (Admiral Dundas), with reference to the ships lying in the harbour at Malta, a stranger gave me certain dates, and advised me to move for returns from the log-books kept at the Admiralty. I moved for and obtained those returns, and now I have the authority of the Admiralty for the facts I am going to give. I alluded at Manchester to the year 1837, as the period when I was at Malta. I find by the return that the *Princess Charlotte*, a line-of-battle ship of 104 guns, lay in the harbour of Valetta from the 8th of November, 1838, till the 20th of May, 1839, a period of six months. Then, again, the *Queen*, of 110 guns, was lying at Malta from the 7th of October, 1842, till the 15th of September, 1843, without ever raising her anchor—a period of eleven months and eight days; and I am assured by my friend that the expense and demoralisation incurred were ruinous, and that when that ship went out of harbour, several of the crew were so sea-sick that they could not perform the ship's duty. When the statement which I made at Manchester was referred to in the House by the hon. and gallant Admiral the Member for Greenwich, he read a letter from the Admiral on the station, Sir W. Parker, in which he expressed his astonishment at the statement which I had made, and left no doubt an impression on the minds of Members of the House that nothing of the kind had occurred under his command. But I find that the *Hibernia*, of 104 guns, Admiral Parker's own flag-ship, lay in the harbour of Malta, from the 26th of August, 1845, till the 28th of March, 1846, a period of seven months and two days, without ever raising her anchor; a much stronger case than any I ever referred to. I mention these facts upon public grounds. It requires no nautical skill to be able to see that if a ship of the line, with 800 or 900 men on board, is lying in harbour, there must be great idleness and demoralisation going on. I have heard it estimated that a first-rate line-of-battle ship costs 200*l.* to 300*l.* a day. I hear an hon. Gentleman below me say that the expense would be greater if she were at sea; but we pay these ships because we want them to be useful. If they are to lie in harbour, we may as well have them lying in ordinary at Portsmouth. Besides, there cannot be found a more demoralising place than Malta. We hear it stated that the midshipmen are men of family, noblemen's sons, and others, and there would probably be thirty or forty of these on board one of these ships at the same time. Could anything be more demoralising? I think it would be satisfactory to the House if the hon. and gallant Admiral would state whether he thinks it consistent with the interests of the naval service that line-of-battle ships should lie so long in harbour?

Admiral DUNDAS: I am quite ready to say, that since we have been in office, ships have not stayed so long in harbour as they used to do, and that I think their remaining too long in harbour is contrary to the interests of the service. But the statement of the hon. Member which I contradicted was of a different kind. His statement was, that while he was at Malta he saw a ship arrive with 1,000 men on board, and that she lay there in the harbour while he went to Egypt and back again. I said, that he never saw a ship arrive at Malta, with 1,000 men on board. The hon. Member told this story to his constituents, supposing that what he said would never go forth to the world; but it did, and the Admiral on the station received a letter from the American Consul, which he enclosed to me, declaring that he never did give that information to the hon. Member which the hon. Member stated that he did give him. Since I have been in office I have always urged it upon my Colleagues—and I have succeeded in my object—that ships should not lie so long in harbour; but, if you do send ships to sea, you must expect that they will cost six times as much as in harbour. Ships are exercised in harbour as well as at sea, and they are always ready to put to sea, and to do their duty when required. The *Princess Charlotte*, for instance, lay in harbour during the winter, but what had occurred the next summer? The bombardment of Acre took place, and she did her duty there. She has since been to Portugal and round Sicily; and I believe she has never been one month in Malta since we have been in office. I do not recall one word of what I said before. I received the letter of the American Consul and read it to the House; and, if I had known that this subject would have been again discussed, I would have brought it with me, and read it again.

Mr. COBDEN: It is very possible that my informant at Malta might have misled me as to the number of the men I saw there, and therefore that I did not see any ship with 1,000 men. One of these ships, however, the *Queen*, is stated in the official return from which I have just quoted to have had 1,119 persons on board. But that is not the question. The question is, whether the broad facts I have alleged are not deserving of the attention of the House and the Admiralty? I say it with all good humour; but the hon. and gallant Admiral meets my statement in a way which an independent Member of this House has a right to complain of. He gave an official contradiction, which carried with it all the weight with which such statements are usually regarded; and but for an accident I should not have known how to set myself right with the House. So, again, when I said some time ago that we had no ship of war in the harbour of Canton when the Canton massacre took place, the hon. and gallant Admiral got up and contradicted me. I subsequently received a letter from a merchant there, stating that we had no ship of war in the harbour of Canton at the time; and when I showed this letter to the hon. and gallant Admiral his reply was, "Then I can only say, that one ought to have been there." I submit, that, however this might do on the quarter-deck, it is not exactly the mode of doing business on the floor of this House; and I hope that when he contradicts me again, he will take care that the information on which he proceeds is correct.

CAPTAIN BERKELEY explained that the Admiral in the Mediterranean held, so to speak, a diplomatic situation, and that Malta was the point at which he could receive the quickest information. The hon. Member's return was extremely fallacious, for had he moved for a return of the whole log, he would have seen that the *Princess Charlotte* was not one day in harbour during the whole of the preceding twelve months. It was a well-known fact that Sir W. Parker had hardly enough ships at his disposal to meet the demands upon him for protection for the merchant service. In one case the moral effect of a vessel of 18 guns in a port— [MR. BRIGHT: Oh, oh!] Yes, he repeated it, the moral effect was sufficient to put an end to the civil strife; both parties being willing to be bound by the *dictum* of the captain of a small cruiser, and the horrors of civil war were thus averted. In another case a captain risked himself and his boat's crew by getting in with his pocket handkerchief displayed, at the moment the belligerents were about to come into collision; and neither dared fire a shot after his communication with them. Within the last twelve months transactions of that kind had repeatedly occurred; and even in these times there was great confidence created by the presence of a British ship in many parts of the Mediterranean. With these facts before his eyes, he could not for a moment entertain the idea of the hon. Member that our men-of-war were a useless expense.

MR. B. COCHRANE had read the speech of the hon. Gentleman the Member for the West Riding of Yorkshire, and he must say that it did impugn the character and the usefulness, not only of the British Navy, but of both services. The hon. Member was not satisfied with saying merely that the vessels had lain long in the harbour of Malta, but he said they were "skulking" there. He did not think the hon. Member at all justified in the use of such an insulting expression, or in calling, as he had done, the greatest man of the age—a man in whose achievements and fame the nation justly gloried—a "drivelling old man." He complained of such language being used by the hon. Member, and would tell him that a general feeling of indignation was excited throughout the country at his having dared to apply such language to the English Navy and to England's greatest hero. The hon. Member seemed to glory in it; but it was disgraceful to a Member of that House to have applied such language to the Duke of Wellington. Last year he was at Athens, and there were there six first-class French vessels — a ship of the line, two large steamers, and three armed brigs—while England had not a single man-of-war. Indeed, it was the general complaint that the English force was insufficient even to perform the private service. He could not remain silent when he heard the hon. Member palliate that speech, on the ground of his being an independent Member; and he, with the same independence, would tell the hon. Member that he did, in that speech, make use of language wholly unbecoming a Member of that House or an Englishman.

CAPTAIN HARRIS said, the hon. Member had made use of expressions derogatory to the service, and had wound up those expressions by others still more derogatory to the greatest man of the age. The hon. Member felt that he had fallen somewhat from his celebrity, and, in addressing his constituents immediately after his rambles in other countries, forgot how true the hearts of Englishmen beat towards their country. The hon. Member, however, instead of apologising, now sought to set himself right on a question of fact. The indignation with which that speech was regarded a week after its delivery was too universal to have been raised by a mere question of the months ships lay in harbour. But the hon. Member was not so free from censure on that point as he wished it to appear, for he spoke of being in Malta in the winter; that was to ordinary apprehension last winter, and not a winter ten years before. And that construction was the more inevitable, for in the same breath he had been alluding to the squadron lying at Lisbon in a manner which left no doubt of the time being recent.

Mr. BROWN thought that, in judging of the remarks of the hon. Member for the West Riding with regard to the Navy, the nature and character of the audience to whom they were addressed should be considered. He was speaking to an audience in Manchester, all of whom knew well that he had not been at Malta or Egypt for a period of ten years.

Vote agreed to.

SUPPLY—MISCELLANEOUS ESTIMATES.

On 7,000*l.* being proposed towards the prison for juvenile offenders at Parkhurst,

Sir J. GRAHAM had not had an opportunity during the last year or two of inspecting Parkhurst, nor did he know the arrangements made by his successors as to the destination of the boys confined in the prison. When he had the honour to succeed the noble Lord (Lord J. Russell) at the Home Office, the institution was at that time new to him; but he was bound to say, that amid all the services of the noble Lord to the public, there was not any more meritorious or useful than those which distinguished the noble Lord's exertions at Parkhurst. An experience of five years at the Home Office had led him to the conviction that the institution was most beneficial in its operation. At the time he (Sir J. Graham) was at the Home Office, he had directed a number of boys to be sent to the colonies after the period of their imprisonment had expired; and he was happy to find that his experience was still borne out by the accounts from the Australian colonies, showing that those boys, taken from the very refuse of society here, were sent out so much improved in character and conduct as to be well suited for service in the colonial establishments of the country, and enabled to earn an honest livelihood for themselves. If such a system was for the advantage of these youths, it was at the same time for the interest of the colonies well understood. Though not at all prejudiced in favour of the plan introduced with respect to the prisoners at Parkhurst when he first went to the Home Office, his own experience had convinced him of its value.

Lord J. RUSSELL was glad the right hon. Gentleman was able to speak in such terms of his experience. From all he had seen and heard, what was supposed to be the reformation of old offenders was not a thing much to be depended upon. The conduct of a man subjected to discipline often turned out a studied system of hypocrisy; and sometimes those convicts who were best behaved in prison, turned out the worst on being liberated. But with respect to boys of ten or twelve years old, whose parents sent them out to steal what they could, there was good reason to hope that, if brought up under proper discipline, good dispositions might be developed, the seeds of vice might be eradicated, and they might be converted into good members of society. Such was the principle on which this prison was established; and, from the considerations which had been stated, he thought it appeared that the institution was one which the public ought to encourage.

Mr. HENRY observed, that of the whole expense, amounting to 13,000*l.*, no less than 5,000*l.* was expended on the staff of the establishment. The Governor received 500*l.*, the clergyman, 250*l.*, and an assistant clergyman, 200*l.* It seemed as if the institution existed as much for the purpose of giving salaries to officers as for the purpose of reforming offenders.

Sir J. GRAHAM thought the hon. Member was speaking from imperfect information. Under all the circumstances, the arrangements were economical. Every male child under fourteen or fifteen convicted as a felon throughout Great Britain was sent to Parkhurst. Instead of being sent to county gaols, where they might be imperfectly cared for, they were sent to one prison, maintained at the common expense, where they would be subjected to a more perfect discipline. If the principle were sound, no institution could effect the object in view at so small a cost as the establishment at Parkhurst.

Lord J. RUSSELL had understood the hon. Member who had just spoken (Mr. Henry) to say that this institution had been formed from the love of patronage. Being very anxious to promote the reformation of these young offenders, he had framed the institution with that view. When he framed it, he inquired in various quarters for persons who were fitted to conduct such an establishment. He received a great many testimonials, which he carefully examined; and the person whom he thought most fit for the head of the establishment was Captain Woolcombe, a most meritorious officer of artillery, who had, with unwearied zeal, laboured to promote the reformation of offenders. Application was made to the Inspectors of Prisons with respect to the appointment of a chaplain. They obtained a great many recommendations in favour of different persons, but came to the conclusion that a gentleman named England, whom he had never heard of before, was best fitted for the office. He appointed Mr. England. That gentleman had given very great satisfaction; he (Lord J. Russell) having, since entering on his present office, had occasion to appoint to a living of no great value in Devonshire, had offered it to Mr. England, who was no acquaintance of his, and whom he had never seen except when he had occasion to visit Parkhurst on duty. He hoped, then, the hon. Member would not throw out the imputation that this institution presented an instance in which offices had been formed for the purpose of creating patronage.

Vote agreed to.

House resumed.

BOROUGH ELECTIONS (No. 2) BILL.

On the question that the Speaker do now leave the chair for the House to go into Committee on the Borough Elections (No. 2) Bill,

Colonel SIBTHORP regretted that there was not a fuller attendance of hon. Gentlemen who had declared their opposition to this Bill. He objected to the Bill; but, although the hon. Baronet had thought proper to introduce Lincoln among the nine boroughs that were to undergo investigation, if the hon. Baronet would go down there, he would take him in his own carriage; and he would tell the hon. Baronet that he did not fear any inquiry as far as regarded himself, and was sure that the more the hon. Baronet inquired, the more would the borough be gratified as well as himself. He must say, that a more tyrannical, inquisitorial, or unjust Bill than this never had emanated from any hon. Member. It was, in fact, almost a burglarious Bill. Why should they not extend their inquiries to other boroughs besides those against which the Bill was directed? Why not extend it to Hull, where he was sure there was more money spent than had been spent in Lincoln since the time his great-uncle represented that city a century ago? They had heard a great deal about the elections for London—they had heard who had bought and who had sold; why, then, should they not inquire into the merits or demerits of that election? He objected to the Bill both in principle and in detail, and should feel it his duty to oppose it at every stage. The hon. and gallant Colonel concluded by moving, as an Amendment, that the House resolve itself into Committee on the Bill on that day six months.

Mr. C. PEARSON regretted that he could not with propriety move at present the instructions to the Committee of which he had given notice. He would, however, take the liberty of briefly sketching out his views respecting the Bill, in order that the House might have an opportunity of considering them before the report was brought up. In his judgment the Bill, though in the right direction, would not be efficient for the purpose for which it was designed. It possessed those defects which marred all other legislative enactments for the same purpose. There was no crime in the criminal code where the penalties were so numerous, various, and stringent, as that of bribery at elections; neither was there any offence within the range of the criminal law of England, where the number of offences detected bore so small a proportion to the number actually committed. It was also predicable of bribery at elections, that there was no crime where the number of offences proved and punished bore so small a proportion to the number of offences discovered. Although it was universally admitted that bribery at elections was an offence of great gravity, whether considered in reference to its social, moral, or political bearings on society; yet still it was increasing, and would continue to increase, until some mode of legislating in reference to it, different from any that had taken place, was adopted. Various laws had from time to time been enacted to prevent and punish bribery, but they had all proved ineffectual. Since the passing of the Reform Bill, bribery, instead of having diminished, had, in many instances, increased. In proof of this he might refer to the reports of several Committees of Inquiry. The noble Lord the Secretary of State for Foreign Affairs in referring to this subject said—

> "I speak it with shame and sorrow; but I verily believe that the extent to which bribery was carried at the last election (1837) has exceeded anything that has ever been stated within these walls."

And then the noble Lord gave an explanation, if not an apology for this fact:—

> "I do not wonder at it. Two great political

> parties were contending for a great prize, and that prize was no less than the government of a great empire. That prize has been won by the party opposite. I will not take upon me to say, whether those corrupt practices were more resorted to by those who attacked or those who defended their position."

The evil was then admitted, and the remedy proposed by the noble Lord the First Minister of the Crown was the disfranchisement of such boroughs as did not exercise the franchise honestly. He did not think that an adequate remedy. He should give the Bill before the House his support; but he thought it should have embodied in it some such provisions as he had sketched out in the notice which he had given. What he proposed was, that in the schedule to the Act be contained all the towns in the country containing above 10,000 inhabitants. There were sixty-two such towns; and he proposed that when any town was accused of bribery and corruption, the town geographically nearest to it should have a vested interest in the prosecution of the inquiry, and also that those who had an interest in obtaining the franchise possessed by the accused borough, should appoint the parties who were to conduct the inquiry. This plan, he thought, would supply an adequate motive for bringing bribery and corruption to light, and the guilty parties to punishment. This Bill would confer a great boon upon the honest part of the community, while at the same time it would deprive dishonest parties of the power of usurping unjust privileges, to the great detriment of the kingdom at large. That he might illustrate his meaning more particularly, he would take the case of the borough of Horsham, not far from which was the town of Croydon, with 16,000 inhabitants, but with no elective franchise. He would enable Croydon to take part in the election of Horsham, and also entirely to deprive it of the franchise (which should be transferred to Croydon) upon its being distinctly proved to Parliament that Horsham had been guilty of bribery and corruption. To any one who might be disposed to raise the objection that there would be a great difficulty in uniting the franchise of Horsham and Croydon, he would say, "Look to Scotland." They had in that country seventy towns, of which five or six were required to make up a district to be represented by a Member of Parliament. No practical difficulty was found to exist in Scotland; and why should there be any as regarded Horsham and Croydon? Then he would take the case of Derby, which, or a portion of which, had been proved to be guilty of bribery. Some 400 electors of Derby had committed a fault; but was it right that 37,000 individuals should suffer for their misdeeds? Near Derby there was the town of Belper, which he proposed should have a similar interest with regard to the election of Derby as he proposed to give to Croydon with reference to Horsham. It might be said by some, "Oh, but you will be creating a perpetual ill-feeling between the towns which you intend to link together in Parliamentary matters." Supposing that were true, he would ask what the political evil would be? Suppose that Croydon cast a wistful eye upon Horsham, or Horsham suspiciously upon Croydon, which was thirty miles apart; what could be the evil of such a state of things, even if it should exist? It would be so diluted that the practical evil would vanish. But what did they find the practical evil now was, whilst it was centered in some town where there were two parties perpetually contending with each other? Although we had a septennial election, there was scarcely time for the angry feeling to die away before the embers were rekindled, and set father against son, brother against brother, and relation against relation. He would appeal to any man who had read the evidence of Mr. Parkes, in reference to Warwick, whether that was not the fact? Mr. Parkes told them that up to the last election or two all were united and happy; but that such an animosity had been engendered by the late Parliamentary proceedings, that since they had taken place, people who used to sit at the same table would not speak to each other except in language that was most disgraceful and lamentable. That state of things was attributable to the fact of two contending parties being obliged to live together in the same town. Any one acquainted with Parliamentary matters, as he had been, knew very well that the result of an election was like tying a dead carcase to a live body, or compelling the triumphant and victorious to associate with those in whose breasts there rankled feelings of political animosity which years would not be able to extinguish. But if the course that he was recommending were pursued, he insisted upon it that bribery would cease. At present he would not frighten the House by producing blue books to show what Parliamentary agents had said upon this matter.

Those agents stated in evidence that it was usual in many towns for rival parties, prior to the election, to agree with each other that there should be no petition against bribery presented by either of them for corrupt practices carried on by them during the election. They said, too, "We'll have no petition for treating." And they spent thousands upon thousands on both sides, and there was a distinct understanding that "all should be fair at the election." Mr. Parkes stated in evidence that such an agreement was looked upon as an honourable treaty, and that it would be a breach of faith for either party to present a petition against the other. They never could put down bribery, therefore, unless they introduced a new element into the question—some new body that should have a vested interest in the matter. Notwithstanding any compact of the contending parties resident in the borough, if they knew that there was a third party whom they could not trust, "taking notes" of their proceedings, and who would surely "print them," they would feel that their bribery and corruption must soon be punished by him. Bribery and corruption must thus come to an end. That House could not put down bribery without introducing into the Bill some self-acting machinery, which would put itself in motion without the aid of a common informer, who was odious in the estimation of every person; and unless the House did that, bribery would still continue rife and unextinguishable. No paltry penalty of 500*l*. was adequate to meet the gross delinquency of corruption in Parliamentary proceedings. He ventured to say, that, if he were to divide the House upon his recommendation, he should look to three sections for support. He should look to the Ministerial side of the House for support, because his suggestion did not wage war against the honourable principle that they contended for. They said that when they brought in the Reform Bill, it would be a final measure, and therefore "finality" was the standard under which they fought and won, and they would not budge from that principle. He should ask for their support on this ground, that the honourable principle of "finality" did not prevent or discourage them from supporting this view of the case; because the principle of his recommendation was sanctioned by them in the case of Grantham at the passing of the Reform Bill. He would ask them, then, for their votes, upon the distinct principle that this was a measure in conformity with the principle of the Reform Bill. He would ask the hon. Members on that (the Opposition) side of the House, with whom he was accidentally placed in contact, for their support; and he would do so upon this ground, that, although he knew that they always stood consistently to their principles; and although he knew that the mantle of those great men that he had referred to had fallen upon them, and was worthily worn by them; and although they did not like Reform Bills in any shape or form, any more than Pitt or Canning; yet, in conformity with the principles which they avowed upon the passing of the Reform Bill, he asked them to grant this little bit-by-bit reform instalment, instead of damming up the public feeling, which was now clamouring for reform in some shape or other. And with regard to the remaining section (the Radical portion), he could promise them that he was prepared to go even further than their leader, the hon. Member for Montrose, had avowed his intention to proceed. The hon. Gentleman concluded by stating, that when this measure reached Committee, he would again press the plan of which he had now given a sketch.

Mr. BANKES said, this was universally admitted to be a Bill of very great importance. The hon. Member who had just sat down had said that the only chance of meeting this general cry of bribery was by adopting something that was new. It was perhaps on that principle that the hon. Baronet (Sir J. Hanmer) had introduced this measure. He (Mr. Bankes) did not say that it was absolutely new, but there was novelty in the extent to which it was proposed to carry it; and for that reason he thought it was essentially necessary that in this stage they should consider the real bearing and extent of the proposition. The hon. Member for Lambeth, who had just sat down, had said that this Bill was to carry into effect bills of indictment which had been found against particular boroughs by Committees which had sat in judgment, as Election Committees, upon them. He (Mr. Bankes) had been called upon to speak to this part of the question, for one of the places named in the first schedule of this Bill was a place for which he sat on Committee; and he denied that he found any bill of indictment against that borough. He denied the truth of the assertion that the finding of the Committee had established that it was disgraced by corrupt practices; there was, therefore, a falsehood in the preamble of this Bill. He was not prepared to vote for a Bill into the preamble of which they introduced a false allegation. No proof had been given to establish the charge of corrupt practices at Horsham. The decision to which the Committee came was founded upon evidence of a very slight character. The facts were simply these: That the Member who proposed to stand for Horsham went down to that place some weeks before the writ was issued. A festivity was held in honour of his appearance. There was a sort of banquet, one of no extraordinary expense, as the Committee had been led to believe. There was some brandy and water, and he believed some smoking, for which a party paid who admitted himself to be an agent. Undoubtedly, by the law, as it stood, that amounted to a charge of treating, although it took place so long before the writ was issued, and the seat was legally vacated. But he denied that evidence of this nature established any charge of corrupt practices against that borough. He could not be supposed to speak thus of Horsham because of any political preference; for as far as his Parliamentary experience extended, Horsham had always returned a Whig; and if corrupt practices had prevailed there, it had always been because that borough was under the dominion of the Whig party. But he founded no charge of corruption upon that presumption. No evidence could be more slight than that which was laid before the Committee; yet, notwithstanding the report of the Committee was such as he had described it, the Prime Minister opposed the moving of a writ with regard to this borough. He called upon the noble Lord (Lord J. Russell) to explain why he took upon himself to urge the House to suspend that writ—why he undertook to introduce a special measure with reference to this borough—and why, having done so, he abandoned that Bill in order to subject this constituency to a new species of jurisdiction? The hon. Baronet (Sir J. Hanmer) had no right to introduce the name of Horsham in the schedule of this Bill. Why should not that borough, if inquiry were requisite, why should it not be dealt with as other boroughs had been dealt with, by a Committee sitting within the walls of this House; and let that Committee conduct its investigations in the most scrutinising manner? The noble Lord was now supporting a measure which must unquestionably be attended with unjust and harassing restriction of the franchise. He would now make an observation which might expose him to censure, but which could not be traced, so far as himself or the constituency he represented were concerned, to any selfish motives, for no slur had been cast upon the electors of Dorsetshire. His observation was to this effect, that the House was going too far, much too far, in its legislation against what was termed "treating." It was pushing those ideal principles of purity to an extreme; its virtue was outrageous and absurd, and, if carried much further, would only serve to expose those principles to ridicule and contempt. This House, in order to show its love of purity and its detestation of "treating," went so far as even to forbid the reasonable exercise of the fine old English virtue of hospitality. A gentleman used formerly to meet his friends and supporters with impunity before the election at a public dinner. It was considered no crime to entertain them with something better than mere frothy speeches; but now, forsooth, a morsel of food or a glass of liquor will occasion a Member to lose his seat, and cause the disfranchisement of a whole constituency. He must say that Members had during the present Session, in consequence of the prevalence or affectation of this "holy horror" of treating, been deprived of their seats upon very light grounds; and it was distinctly laid down that no Member was to treat a voter and supporter even in the same manner as a witness summoned upon a trial might lawfully be entertained. But there was a still greater evil. Not only was the Member punished for this exhibition of kind and generous feeling, but the innocent members of a constituency who had violated no law—those even who sat quietly at their own firesides, and never participated in any of this treating—they, too, were to be punished for crimes which they never committed, and suffer for benefits they had never received; and were to be deprived of that privilege which an Englishman most valued, merely because a few of their fellow-townsmen had partaken of some refreshment at the expense of a candidate. He thought the advocates of this Bill and of this system were bringing about a state of things full of peril and danger—destroying the distinction which ought to prevail between acts prohibited merely on the ground of convenience, and offences of grave and serious character, which required punishment in vindication of national purity. Such a distinction did exist, and ought ever to exist, between the offence of treating and that of bribery. He objected to the machinery of this Bill; and with respect to the Commissioners, by whomsoever appointed, he saw no reasonable ground for hope that their investigations would be attended with useful or satisfactory results. For these reasons he should give his decided opposition to the Bill.

MR. NEWDEGATE said, that he concurred in the observations of the hon. Member for Dorsetshire, that no case had been made out against the borough of Horsham. The House had just appointed commissioners to inquire into the state of the cesspools, and they now proposed appointing commissioners to inquire into the state of the constituency. It would appear, in fact, that everything was to be done by commissioners. These new commissioners were to have power to act as they pleased, and he saw no means by which the parties interested were to rebut the evidence to be brought before the House against them.

MR. HOBHOUSE said, that it was not his intention to address the House at any length on this occasion. He objected to the Bill as being partial and capricious. In the first place, it was a question of pure chance what were the boroughs that were to be selected for the proposed inquiries. It depended in a great measure on the popularity or unpopularity of the Member, on the strength of his purse, or on the spite or ill feeling of any one individual. He was convinced that it was the conscientious opinion of every Member in that House, that the charges urged against these particular boroughs were of far more general extent, and that it was unfair to make allegations against individual boroughs which were shared by every constituency in the kingdom. When he found that some boroughs were brought forward prominently in this Bill, while others quite as bad were excepted, he felt justified in giving it every opposition in his power. The hon. Member for Lambeth (Mr. Pearson) had indulged in some unfounded charges against the city of Lincoln. He fully concurred in what the hon. Gentleman had said as to the influence which his hon. and gallant Colleague (Colonel Sibthorp) possessed among one portion of the constituency of that city, and the absence of corruption or bribery on his part; but when the hon. Member undertook to say that the other party in Lincoln were less pure, and that they were corrupt, he (Mr. Hobhouse) repelled the charge with indignation. The constituency of Lincoln were as pure as, if not purer, than the constituency of Lambeth; and he was sure that his hon. and gallant Colleague would bear him out when he said that the last election for Lincoln had been contested fairly and honestly on both sides. The hon. Baronet was, no doubt, actuated by pure motives in introducing this Bill; but he (Mr. Hobhouse) should object to his going into any *ex post facto* legislation, more especially as it was notorious that the abuses for which these particular boroughs were punished, existed in every constituency in the kingdom. [" No, no!"] He would repeat, that it was notorious that the same abuses existed elsewhere; and under such circumstances, was it consistent with justice that some boroughs should be selected to bear all the punishment? He objected, also, that the hon. Baronet had not told them what remedy it was that he intended to propose, in case of any of these boroughs being found guilty of the charges of corruption brought against them. The hon. Member for Lambeth had, however, supplied that defect. The hon. Gentleman was, it appeared, for having one monotonous constituency throughout the kingdom; he was for making the whole country a sort of continuous Lambeth. He (Mr. Hobhouse) thought that one great merit of the English constitution was, that by means of constituencies of various sizes and qualities, it enabled Gentlemen to sit in that House able to take a part in every variety of legislation that could come before them. But he asked the hon. Baronet to look to what had taken place under a system of universal suffrage and vote by ballot in France. Had he not heard of elections by violence, and of large bodies of men entering by force into the National Assembly? He was, therefore, not prepared to say that the remedy which the hon. Baronet proposed, might not produce greater evils than those which he deprecated. So far as he remembered, in other instances of disfranchisement, constituencies had not been aggregated into one mass, varying in degree, formation, numbers, and in all shades of criminality. In this respect, he conceived the general interests of the electoral body were injuriously affected by the measure. But under any circumstances, it was unjust and inexpedient to single out certain constituencies for reproach and obloquy, whilst others, equally guilty, altogether escaped condemnation. For these reasons, he should give his decided opposition to the Bill.

The SOLICITOR GENERAL said, the only question before the House was whether or not they were sincere in their endeavours to repress bribery and corruption? If they were, then he asked them what other course would they adopt to repress bribery than was pointed out by the present Bill? What did this Bill propose to do? It proposed to inquire into those cases where a Committee of the House, by sworn Members, reported that bribery had been practised, and ought to be inquired into. But the Bill did not stop there. It proposed also to inquire into every similar case that might occur in future, so that the Bill was really of the general and comprehensive nature that the hon. Member wished for. Then it was said that this Bill was a specimen of *ex post facto* legislation. He denied it. Every case that it proposed to inquire into had been decided in the course of the present Session; and though some of these places had been allowed to have new writs issued, yet that had happened inadvertently, the attention of the House not having been called to them. That, for instance, was the case with regard to Lincoln, which had been so strenuously defended to-night. Of course, after the report of the Committee, the election that followed it was sure to be pure, otherwise the electors would have subjected themselves to a more severe punishment. But what had the Committee reported of the previous election? That the sitting Member had been, by his agents, guilty of bribery—that he had directly and indirectly provided drink and entertainment, with the view corruptly to influence the electors. That was personal to the late Member; but the Committee further reported that it appeared to them that a system of treating had long prevailed in Lincoln, and that all candidates, including the hon. and gallant Member opposite—[Colonel SIBTHORP: I deny it]—were in the habit of opening public-houses, and providing drink and entertainment, with a view corruptly to influence the electors. Now, he said that was a case for inquiry; and if it had been brought under the attention of the House at the time, his hon. Friend (Mr. Hobhouse) would not have had the opportunity he had so ably availed himself of, of defending his constituents. Then, was it fair to cite the example of France as a parallel? No one could deplore the excesses in France more than he did; but, because acts of violence were wrong, did it follow that acts of bribery were right? He believed, that if this measure were enacted, it would have a most beneficial result in the tacit and silent repression of bribery; and he therefore earnestly hoped that the House would go into Committee and pass the measure in such a manner as would be effectual for the repression of the offence.

MR. JOHN STUART said, that the question before the House was, whether they would punish bribery, and whether bribery had been committed in the cases to which the present measure more particularly referred? He was quite ready to admit that bribery ought to be punished; but that which he objected to was the punishment of bribery in an unconstitutional, tyrannical, and oppressive manner. Upon the subject of this Bill they had heard several speeches, but until the speech of the Solicitor General they had not heard one word of argument in support of the Bill. The measure was inquisitorial, for the Bill was a preliminary to inflicting pains and penalties on the poorer class of voters. The question was, if bribery were committed, was it the right way of proceeding to institute an inquiry by means of Commissioners to be appointed under the present Bill? The true way to punish bribery on principles of justice was to hear both sides; but under the present Bill there was no opportunity afforded to the poor man to defend himself. The Bill was as absurd as it was unjust; and it was most absurd where it professed to act upon judicial principles. He could not help observing, that the only precedent cited by the hon. Baronet who introduced the Bill was that of Sudbury; but let it be remembered that in the case of Sudbury the Commission was not issued until the question had been fairly argued, and the evidence fully gone into. The Bill respecting Sudbury had been allowed to pass the Commons, had gone up to the House of Lords, and had there been judicially inquired into. Now, he wished to put this question—did they propose to disfranchise any one of the nine boroughs named in the Bill? To him it appeared that no case had been made out against any one of those boroughs except that of Great Yarmouth; and therefore he did say that the Bill now before them would be an *ex post facto* law. From what fell from the noble Lord opposite, it might be inferred that he meant to imply that "treating" was a fit ground for disfranchisement. He observed that at that statement of his opinion the noble Lord shook his head; then it was not the ground upon which it was proposed that the Bill should rest; but, if not, on what ground was the measure founded? The preamble was not proved; and he must say that, in a case like that, they had a right to expect that the preamble should be proved. Perhaps the hon. Member for Montrose, whose name was on this Bill, would tell the House what was really meant. Was it intended to disfranchise the freemen of Great Yarmouth or not? The object of the Bill, as originally introduced, was to be purity of election; but now it seemed from the Solicitor General that it was not the object of the Bill to inflict penalties upon all who were guilty of bribery. The hon. Member for Montrose had said that he supported the Bill, because he did not expect to get that larger measure of reform of which he had given notice; but if he meant to punish bribery by this Bill, he would signally fail.

Mr. HUME said: The hon. and learned Gentleman (Mr. J. Stuart) called this an *ex post facto* proceeding; why, what was every trial but an *ex post facto* proceeding? A number of Committees of that House had reported that certain practices contrary to law had existed at different elections; and what was the great crime about to be committed? To inquire; to ascertain the extent of the corrupt practices; and it would then be for the House to decide whether it was fit that they should be punished. The hon. and learned Member talked of the House being about to punish without trial; why, would he punish the Yarmouth freemen without inquiry? [Mr. J. Stuart: They have been convicted after a fair trial before the constitutional tribunal, namely, by the Committee.] All these boroughs had been reported upon.

Mr. HENLEY was surprised that the hon. Member (Mr. Hume), instead of answering the question whether he meant by this Bill to disfranchise the freemen of Yarmouth, had endeavoured to mystify the House with an extraordinary notion about *ex post facto* legislation. He seemed to have no conception of the difference between trying a man by a law previously in existence, and making a law on purpose to try him. The Bill was objectionable because it mixed together a number of boroughs whose cases all differed. It was objectionable, because it used the word "corrupt," without any interpretation or definition. The Bill was so framed that every case which ought to be decided judicially must be brought into the arena of the House, subjecting matters to party feeling; and what two men would agree as to what was "corrupt?" Some great purist might say that it was "corrupt" if a man had a glass of beer; others, if a Member of the Government went down to canvass a dockyard borough; the knowledge of a candidate's having a great many good things to give away might be thought by some to be "corruption." There really might be danger, when parties were nicely balanced, in this Star Chamber inquisition, with the public purse at the back of it; people would know that if they could get up a pretty good case, they would be well paid, and there would be no after proceeding. Surely the best course was, to inquire separately and in a proper way into each instance, where a Committee reported that further proceedings ought to be taken. As for this Bill, it would get into another place, and just have the effect of hanging up inquiry where it ought to be prosecuted, though it might not be convenient to some parties to have it take place.

Mr. COCKBURN would give his cordial support to this Bill. Without going the length of those who said that all the borough constituencies of England were tainted with bribery and corruption, he would not deny that the result of some experience had led him to the conclusion that a very large proportion indeed of them were tainted; and it was the bounden duty of the House not to flinch from inquiry, where it saw grounds for instituting it. He apprehended that as these cases had been brought before the House on reports from their own Committees, they were bound to give implicit credence to them. The House already had the power in its own hands, which it could, if it pleased, exercise. The Legislature could interpose and institute an inquiry; the existing laws being stringent enough if the House only had the courage to apply them, and that without the necessity of passing any general measure. They were told that the Bill was inquisitorial, and that the parties whom it was sought to affect and punish would have no means of making their cases heard before the Commissioners of

Inquiry. As to that he apprehended that no Commissioners would dream of reporting against any electors without previously giving them the most ample opportunity of detailing their case, and urging arguments before them. If there existed any doubt on that point, it admitted of being most easily remedied, for it would only be necessary to introduce a clause into the Bill which should make that course compulsory upon the Commissioners, but which he believed they would at once adopt, as the only proper line of their duty, even as the Bill now stood. He apprehended that although the Committees which were making these special reports had not called upon the House to institute any special inquiry into the various cases, still they had directed the attention of the House to the circumstances of each borough, not for the purpose of allowing their reports to remain a dead letter, but in order to submit to the consideration of the House whether they ought not to institute a further investigation into each particular case. He considered that the hon. Member for Dorsetshire, who had spoken against the Bill, had most strangely misconceived its real character. He had treated the Bill as a measure for disfranchising these boroughs. It had no such object. The object of the Bill was simply to send Commissioners to examine witnesses on oath, and to make their reports for the consideration of the House. It would then be for the House to deal with each case as in their wisdom they should deem fit. There was nothing, therefore, in the Bill of an inquisitorial or *ex post facto* nature. He trusted the House would not be satisfied with making a mere vague and empty declaration of a wish to put down bribery and corruption; but that they would apply a corrective of the severest description to those most heinous offences, and show that they were determined to put them down by all means in their power.

Mr. AGLIONBY said, the hon. Member for Oxfordshire had asked two questions: first, he asked what was corruption; whether it was corruption for any person to give a voter a glass of beer to induce him to vote in a certain way; or for a Government officer to promise a voter an appointment to induce him to give his vote a certain way? Now he would answer the hon. Gentleman by saying that these were both most infamous acts of corruption, and ought to be put down by the Legislature.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 166; Noes 78: Majority 88.

List of the AYES.

Abdy, T. N.
Acland, Sir T. D.
Adair, R. A. S.
Adderley, C. B.
Aglionby, H. A.
Alcock, T.
Armstrong, Sir A.
Armstrong, R. B
Arundel and Surrey, Earl of
Bagshaw, J.
Bellew, R. M.
Berkeley, hon. H. F.
Bernal, R.
Blackstone, W. S.
Blakemore, R.
Bouverie, hon. E. P.
Bowring, Dr.
Boyle, hon. Col.
Brand, T.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Buxton, Sir E. N.
Campbell, hon. W. F.
Carew, W. H. P.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Childers, J. W.
Clay, J.
Clements, hon. C. S.
Cobden, R.
Cockburn, A. J. E.
Colebrooke, Sir T. E.
Corbally, M. E.
Courtenay, Lord
Craig, W. G.
Crawford, W. S.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, W. J.
Devereux, J. T.
D'Eyncourt, rt. hon. C. T.
Duff, G. S.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Ebrington, Visct.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, J.
Ewart, W.
Fagan, W.
Ferguson, Sir R. A.
Fordyce, A. D.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Glyn, G. C.
Grace, O. D. J.
Greenall, G.
Greene, J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, R. W.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord J F.
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Main question again put.

Mr. BANKES stated, that as a member of the Horsham Election Committee, he had been a party to the report which that Committee had made to that House, but he denied that that report had found the borough guilty of corruption, though the Committee found that treating had prevailed at the election. He wished to know whether the hon. Member for the Flint boroughs considered treating as corruption? He had asked him that question before, but had not received an answer to it.

Sir J. HANMER hoped the hon. Gentleman would not attribute to any want of courtesy his not having answered that question. He must say, however, that he was a little surprised that the hon. Gentleman had occasion to put it, because he had stated several times what was the nature of the Bill, and why the boroughs named in the schedule were included in it. He found the borough of Horsham among those places which, upon the report of a Select Committee, were stated to have made a void election on account of corrupt practices. [*Cries of* "No!"] He begged pardon of hon. Members opposite; but why was it that the writ for Horsham was now suspended? Surely it could not lie in the mouth of the hon. Member for Dorsetshire, of all men in the world, to say that corrupt practices did not prevail at Horsham, when he was member of the Committee which reported that corrupt treating had taken place, and declared that the sitting Member's election was void. If treating was corrupt, the Gentleman elected lost his seat; but if, in the opinion of the Committee, the treating was not corrupt, he retained it. He had answered the question put by the hon. Member, and he could not avoid expressing his astonishment that it should have been asked.

Viscount COURTENAY, having been Chairman of the Horsham Election Committee, begged to say that that Committee did not enter into an inquiry as to general corruption, because the Committee did not think it was within their province to do so. The Committee did enter into an inquiry with the view of ascertaining whether the withdrawal of the charges was the result of any corrupt compromise; and the Committee was of opinion that there were circumstances connected with that proceeding which justified it in making a special report. Though the Committee expressed no opinion on the general question of bribery, there were, undoubtedly, grave circumstances connected with the case, for the Committee obtained evidence of corrupt treating, and the sitting Member was unseated on that ground.

House in Committee, and resumed.

Committee to sit again.

House adjourned at a quarter to One o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME XCVIII.

BEING THE FOURTH VOLUME OF SESSION 1847–1848.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading—*Amend.*, Amendment.—*Res.*, Resolution.—*Comm.*, Select Committee.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress—*A.*, Ayes.—*N.*, Noes—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ *The * indicates that no Debate took place upon that stage of the Bill.*

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Page 135, line 10, *for* Majority 180, *read* Majority 189
—— 424, in the Division, *for* Ayes 142, Noes 30, *read* Ayes 30, Noes 142.
—— 537, line 7 from bottom, *for* Evicted Destitute Poor (Scotland), *read* Evicted Destitute Poor (Ireland).
—— 589, line 26, *for* Sir D. Norris, *read* Sir D. Norreys.
—— 1185—1194, in Head-lines, *for* Public Health Bill, *read* Borough Elections (No. 2) Bill.

END OF VOL. XCVIII., AND FOURTH VOL. OF SESSION 1847-1848.

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